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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
J A I P U R .

OA NO. 301/96

Date of order: 22.5.1996

Jagdish Prasad Shringi : Applicant

Versus

Union of India and others : Respondents

Mr. K.C. Sharma, counsel for the applicant

CORAM:

HON'BLE SHRI GOPAL KRISHNA, VICE CHAIRMAN
HON'BLE SHRI O.P. SHARMA, MEMBER (ADMINISTRATIVE)

ORDER

(PER HON'BLE SHRI GOPAL KRISHNA, VICE CHAIRMAN)

Applicant Shri Jagdish Prasad Shringi in this application under Section 19 of the Administrative Tribunals Act, 1985 has assailed the impugned order at Annexure A-1 dated 8/29.3.1996 by which the Department of Atomic Energy, Heavy Water Plant, Government of India asked the State of Rajasthan to which the applicant had been sent on deputation to repatriate him to his parent Department i.e. the Department of Atomic Energy.

2. We have heard the learned counsel for the applicant Shri K.C. Sharma.

3. The averments of the applicant are that he is a permanent employee holding the post of Scientific Assistant 'C' in the Department of Atomic Energy, Heavy Water Board, Bombay and while he was posted under the control of Production Manager, Heavy Water Plant, Anushakti, Kota, applications were invited

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by the Director-cum-Deputy Secretary to the Government of Rajasthan, Department of Science and Technology through a notification for the post of Research Officer. Appointments to the post were to be made on deputation basis and the normal period of deputation was three years but initially appointment was to be given for one year and the deputation was liable to be terminated at the discretion of the State Government. Applicant was duly selected for appointment to the post of Research Officer in the Department of Science and Technology, Government of Rajasthan, on deputation basis and as per terms and conditions mentioned in Annexure A-3 he was appointed on deputation basis for a period of one year. It is stipulated in Annexure A-3 dated 23.9.1993 that ordinarily the term of deputation would be three years but initially appointment would be for a period of one year. The grievance of the applicant is that his deputation was terminated before the expiry of the period of three years and by an order dated 4.4.1996 at Annexure A-2 he was repatriated to his parent department. It is obvious from the perusal of the letter dated 2.2.1996 at Annexure A-8 that the deputation was approved only for one year, at the end of which the applicant was to repatriate to the Heavy Water Plant, Kota or get absorbed permanently under the Government of Rajasthan. The order at Annexure A-1 is attacked as being arbitrary and unreasonable since it was passed before the expiry of the period of three years. The discretion exercised by the Department of Atomic Energy, Government

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of India is alleged to be unreasonable.

4. It is note worthy that lending and borrowing authorities are competent to repatriate a deputationist before the expiry of the period fixed for deputation. An applicant on deputation can be repatriated to his Parent Department at any point of time even prior to the expiry of the term of deputation.

5. In view of this legal position, the present application is un-merited and the same is dismissed at the stage of admission.

(O.P.SHARMA)
MEMBER (A)

G.K.
(GOPAL KRISHNA)
VICE CHAIRMAN