

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A. NO. 7 of 1997
T.A. NO.

DATE OF DECISION 8.4.1997

Shri Sudhamoy Chakraborty

(PETITIONER(S))

Shri B.K. Sharma and Shri S. Sarma

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)

Shri G. Sarma, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE SHRI G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.7 of 1997

Date of decision: This the 8th day of April 1997

The Hon'ble Justice Shri D.N. Baruah, Vice-Chairman

The Hon'ble Shri G.L. Sanglyine, Administrative Member

Shri Sudhamoy Chakraborty,
Senior P.A. to Regional Chief Conservator of Forests(Central),
Government of India,
Shillong.

.....Applicant

By Advocate Shri B.K. Sharma and Shri S. Sarma.

- versus -

1. The Union of India,
Through the Secretary,
Ministry of Environment & Forest,
Government of India,
New Delhi.
2. The Inspector General of Forests,
Ministry of Environment and Forests,
Government of India,
New Delhi.
3. The Assistant Inspector General of Forests,
Ministry of Environment and Forest,
Government of India,
New Delhi.
4. The Chief Conservator of Forests (Central),
Upland Road, Shillong.

.....Respondents

By Advocate Shri G. Sarma, Addl. C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

In this application the applicant has prayed for a direction to the respondents to retain him in their department.

2. The facts of this case are:

The applicant was appointed under the Establishment of the Political Officer, now designated Deputy Commissioner, in the erstwhile N.E.F.A. (now Arunachal Pradesh). He was appointed Stenographer and till 1982 he continued to serve under the Government

of Arunachal Pradesh. In 1983, the applicant states that he joined North Eastern Council (NEC) as Personal Assistant on permanent transfer basis. On 2.1.1991, the Chief Conservator of Forests (Central) issued a letter selecting him for the post of Senior Personal Assistant as transfer on ad hoc deputation basis, initially for a period of one year with provision for further extension of three years. After expiry of one year, his deputation period was extended from time to time. On the expiry of the last extended period, the borrowing department asked the applicant to revert back to his parent department. Immediately thereafter, the applicant availed of leave for two months which he was entitled to. The period of leave was also over. According to the applicant now the borrowing department wants another officer on deputation. His case is that he was there on deputation for a long time and he wants that he be retained there. However, the respondents are not willing to retain him. Hence the present application.

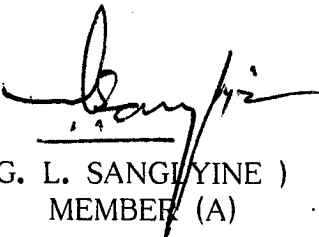
3. The respondents have filed written statement disputing the claim of the applicant. We have heard Mr S. Sarma, learned counsel for the applicant, and Mr G. Sarma, learned Addl. C.G.S.C., appearing on behalf of the respondents. Mr S. Sarma very candidly submits before us that as of right the applicant has no claim to remain in the borrowing department, but, as he was there for a considerable long period and since the borrowing department needs another person on deputation, he should be retained in the department. Mr G. Sarma, on the other hand, submits that the applicant has no claim in this regard whatsoever and it is for the borrowing department to decide whether he should be retained or not.

4. On hearing the counsel for the parties we are also of the opinion that the applicant has no claim as of right. Mr S. Sarma, however, submits that the authority should consider his case to which Mr G. Sarma, however, has no objection.

83

5. Accordingly, we find no merit in the application. However, if the applicant approaches the respondents within two weeks from the date of receipt of this order, they may consider his case in accordance with the provision of law.

6. With the above observation we dispose of this application.


(G. L. SANGLI YINE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN

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