

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 665 of 2005

Bilaspur, this the 6th day of March, 2006

Hon'ble Shri Justice B. Panigrahi, Chairman
Hon'ble Shri Shankar Prasad, Administrative Member

Pankaj Dwivedi, aged about
53 years, son of Shri Shiv Kumar
Dwivedi, IAS, Principal Secretary
to the Department of General Adminis-
tration, Govt. of Chhattisgarh,
R/o. E-1, Shankar Nagar, Raipur, C.G. ... Applicant

(By Advocate - Shri Rajendra Tiwari)

V e r s u s

1. Union of India, through the
Secretary to the Department of
Personnel & Training, North
Block, New Delhi.
2. The Chief Secretary, Govt. of
Chhattisgarh, Raipur.
3. The Chief Secretary, Govt. of
Andhra Pradesh, Hyderabad. ... Respondents

(By Advocate - Shri A.P. Khare for respondent No. 1, Shri
Ajay Ojha for respondent No. 2 and none for
respondent No. 3)

O R D E R (Oral)

By Justice B. Panigrahi, Chairman -

In this case the applicant has challenged the validity,
illegality and propriety of the order passed by the respondent
No. 1 dated 12.7.2005, whereby they turned down the request
for retaining the applicant by the State Government for
complete term of five years.

2. The applicant joined Indian Administrative Service in
the year 1975 and was allotted Andhra Pradesh cadre. When new
state of Chhattisgarh was formed with effect from 1st
November, 2000, many Indian Administrative Officers from other
states have been brought. Similarly the applicant was also

placed at the disposal of Chhattisgarh state. He has joined with effect from 11.12.2001. After completion of three years the State of Chhattisgarh has made a request to the respondent No. 1 to permit the applicant to stay for another two years and as soon as he completes five years term he shall be released. As per clause (iii) of the letter dated 8th November, 2004 issued by the respondent No. 1 "the total allowable period of inter-cadre deputation in the entire career of the officer shall be five years. No extension of inter cadre deputation beyond five years shall be allowed. However, inter cadre deputation at a time normally cannot exceed three years". A clause (vi) has also been included in the aforesaid order which has been reproduced hereunder :

"A request for extension (up to a maximum period of five years) will be entertained only if it is forwarded by the State Government concerned with cogent reasons and at least three months prior to the expiry of the period of deputation."

The learned counsel appearing for the applicant has submitted that even though a letter of request has been issued by the state of Chhattisgarh after consent having been given by the State of Andhra Pradesh, the respondent No. 1 Union of India turned down the request and no reasons have been assigned thereon. It has also been brought to our notice that in case of other Indian Administrative Service officers are concerned, the respondent No. 1 was very liberal in granting permission to retain them for a period of five years, whereas the applicant is concerned they have not granted permission to retain him. On being asked, the learned counsel for the respondent No. 1, could not satisfactorily explain as to why different standards were adopted so far the applicant is concerned. The order impugned by the applicant has been placed before us. No cogent reasons have been given as to why the request of the State of Chhattisgarh after consent having been given by the State of Andhra Pradesh has been turned down.

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3. In such circumstances, we have no other option but to direct the respondent No. 1 to consider the applicant's case and request of both the states i.e. Andhra Pradesh and Chhattisgarh, and take a decision by taking into consideration all the precedent case. If the respondent No. 1 has permitted the other officers then they shall also take those cases as precedent and take reasonable decision within a period of three months from the date of communication of this order. Till such conscious decision is taken by the respondent No. 1 the present status quo shall continue.

4. With the above observations the OA is disposed of.
No costs.

Shankar Prasad
(Shankar Prasad)
Administrative Member

B. Panigrahi
(B. Panigrahi)
Chairman

"SA" शृंगारक यं ओ/न्या..... जबलपुर, दि.....
 परितिहासिक दिग्गज.....
 (1) रामिया, दि..... रामिया, जबलपुर
 (2) लाटे, दि..... लाटे, जबलपुर
 (3) छोड़ती दि..... दि. दाउसल
 (4) करताराला, दि..... दि. काऊसल
 सूचना एवं आवश्यक दस्तावेजी हैं।
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