CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No. 208/2005.

Jaipur, this the 14th day of July, 2005.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.

Girdhar Pandit Sharma
S/o Shri Gopal Das Sharma,
R/o Dharam Nagar Naya Shahar,
Swamy Mohalla,
Bikaner.

... Applicant.

None is present for the applicant.

Vs.

1. Union of India through
Secretary, Ministry of Finance,
New Delhi.

2. The Accountant General (A&E),
Rajasthan,
Bhagwan Das Road,
Jaipur.

3. The Director,
Treasury and Accounts, Rajasthan,
Vit Bhawan, Jyoti Nagar,
Jaipur.

4. Executive Engineer,
24 Division,
Indira Gandhi Canal Project,
Phalodi.

... Respondents.

By Advocate : Shri Rakesh Jain proxy counsel for
Shri Sanjay Pareek counsel for Respondent
No.1 to 3.
None is present for other respondents.

: O R D E R :

The applicant has filed this OA thereby praying for the following reliefs :-

"In view of the facts mentioned above, applicant prays that your Honours may kindly accept and allow this Original Aplication and order of repatriation dated 25.2.2005 (Annexure A/2) and order dated 20.4.2005 may kindly be quashed and set aside and further the respondent No.2 may be restrained to repatriate the applicant to his parent cadre before expiry of initial term of one year or till the cadre of Divisional Accountant is transferred to the State Government."

2. Briefly stated, the facts of the case are that the applicant was appointed on the post of Junior Accountant by Respondent No.3. While working as Junior Accountant he was sent on deputation on the post of Divisional Accountant in the office of the State Government vide office order No.133 dated 17.1.2005. Vide office order No.222 dated 25.2.2005, the applicant was repatriated to his parent department with immediate effect by curtailing his period of deputation which was initially for one year or till the cadre of Divisional Accountants is taken over by State Govt. which is earlier subject to continued suitability and administrative convenience. It is further alleged that the cadre of Divisional Accountant has not been taken by the State Government, though the notification was issued vide order dated 20.2.04, as the said notification has been stayed by the Hon'ble High Court/ Hon'ble CAT.

3. The grievance of the applicant is that although, some of the employees who were similarly situated and were on deputation with the State Government has been

allowed to continue whereas in the case of the applicant, the period of deputation has been curtailed vide impugned order dated 25.2.2005 (Annexure A/2). It is this order which is under challenge in this OA.

4. When the matter was listed on 3.5.05, ex-parte ad-interim stay was granted to the applicant to the effect that status quo qua the applicant as on today be maintained till the next date of hearing, which stay order was continued from time to time.

5. Notice of this application was given to the respondents. Respondents have filed reply in which they have stated that in all 76 persons were selected by Selection Committee for the purpose of deputation as Divisional Accountant and out of which 17 are being repatriated only for the reason that they have not completed the cooling off period between the two spells of deputation. It is further stated that the case has also been examined in consultation with the NGE, (Appointment) who have opined that the "GOR decision No.2 below Rule 144-A)3) of Rajasthan Service Rules have to be enforced by the lending department and not by the borrowing department. As there is no provision in the Recruitment Rules to the post of Divisional Accountant that the persons who have earlier worked as Divisional Accountant on deputation cannot be consider for reappointment as DA without completing the cooling off period prescribed in the Rajasthan Service Rules, the