

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

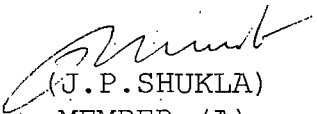
ORDERS OF THE TRIBUNAL


16.1.2008

OA 351/2007

Mr. Pyare Lal, counsel for applicant.
Mr. Gaurav Jain, counsel for respondents.

Heard the learned counsel for the parties.
The OA stands disposed of by a separate order.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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N IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 16th day of January, 2008

ORIGINAL APPLICATION NO.351/2007

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE MEMBER

Virendra Kumar Mehra,
Divisional Accountant on deputation
in the office of Executive Engineer,
Water Resources Division,
Kota,
R/o Mehra Bhawan,
Moti Bagh Road,
Tonk (Raj.).

... Applicant

(By Advocate : Shri Pyare Lal)

Versus

1. Union of India through
Accountant General (A&E),
Rajasthan,
Central Revenue Building,
Statue Circle,
Jaipur.

... Respondents

(By Advocate : Shri Gaurav Jain)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

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

"That the order passed by respondents dated 16.4.2007 (Ann.A/1), whereby the applicant has been repatriated to his parent department may please be quashed and set aside as the same being without authority and law."

2. Briefly stated, the facts of the case are that the applicant was taken on deputation by the Accountant General (A&E), Rajasthan, Jaipur, on 17.1.2005. It is mentioned in the said order dated 17.1.2005 (Ann.A/2) that the total period of deputation will, however, not exceed three years. Vide impugned order dated 16.4.2007 (Ann.A/1) the applicant has been repatriated to his parent department with immediate effect. The applicant has filed this OA on 27.9.2007. It will be relevant to mention here that the applicant had earlier filed one OA, which was withdrawn.

3. In the heading; 'Details of Application/Particulars of Applicant' the applicant has mentioned that at present he is A.P.O., D.T.A., Jaipur. However, in the verification clause of the OA, the applicant has stated that he is working on the post of Divisional Accountant on deputation in the office of Executive Engineer, Water Resources Division, Kota/Accountant General A&E, Rajasthan, Jaipur.

4. The grievance of the applicant is that when his tenure was fixed for three years vide order dated 17.1.2005 (Ann.A/2), it is not permissible for the respondents to curtail the said period vide impugned order dated 16.4.2007 (Ann.A/1).

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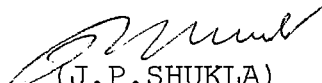
5. Notice of this application was given to the respondents. The respondents while taking preliminary objection regarding maintainability of the OA have submitted that as the applicant has already been repatriated, he is now employee of the Rajasthan Government and, thus, he could not have filed this OA. Learned counsel for the respondents has also taken a serious objection regarding filing of false affidavit by the applicant, whereby in the verification clause the applicant has stated that he is still working on the post of Divisional Accountant in the office of Executive Engineer, Water Resources Division, Kota. On merits, the respondents have stated that while on deputation the applicant brought a bad name to his borrowing authority and lending authority and also to the public services controlled by Union and State. It is further stated that the applicant also created embarrassing position by his misconduct so as to make himself ineligible to continue on deputation by becoming persona-non-grata. In this context, the respondents have also annexed copy of the daily Newspapers (Rajasthan Patrika & Dainik Bhaskar) published on 12.4.2007 & 13.4.2007, as Ann.R/1 & R/2. According to the respondents, the applicant was found drinking liquor in the office premises after working hours in the Water Resources Division, Kota, on 11.4.2007, by the District Administration (ADM City) and Police Officers. Consequently, he was placed under suspension under Conduct Rules vide order dated 12.4.2007. According to the respondents, this was on account of this fact that the applicant was repatriated to his parent department.


6. We have heard the learned counsel for the parties and gone through the material placed on record.

7. It is well settled that the deputationist has no indefeasible right to hold the post. However, the Apex Court in the case of Union of India v. Ram Krishna, 2005 AIR SCW 5147, has held that when the tenure of the deputationist is specified, the deputationist has no indefeasible right, ^{but} deputation could not be curtailed ^{except} ~~as~~ on just ground. In this case, the respondents have given the reason why the applicant was repatriated. These allegations against the respondents remains uncontroverted.

8. Thus, we are of the view that it is not a case where interference in the matter is required by this Tribunal. Moreover, the applicant will be completing his tenure of three years after a week i.e. on 24.1.2008. Thus, for all practical purposes the applicant has almost completed his tenure of about three years as deputationist with the respondent department.

9. For the foregoing reasons, we see no merit in this case, which is dismissed accordingly with no order as to costs.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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