

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

ORIGINAL APPLICATION NO. 30/94 199

MISC. PETITION/CONTEMPT PETITION/REVIEW APPLICATION NO. (O.A.)

R.C. Bansal
VERSUS

APPLICANT (S)

De OT xps

RESPONDENT (S)

Mrs. T.C. Khatri

ADVOCATE FOR
APPLICANT (S)

Miss. S. Bayan

Mr. G. Sharma, Addl. C. J.

ADVOCATE FOR
RESPONDENT (S)

OFFICE NOTE

DATE

COURT'S ORDER

9.2.94

This application is in
form and within time.

C. F. of Rs. 50/-

deposited vide

IPO/ED No. 860526

Dated 7.2.94

By Registrar (J)

Bew

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It is an application under Section 19 of the Administrative Tribunals Act 1985 filed by Shri R.C. Bansal assailing the office order No. EST-325/5/90 dated 28.1.1994 (Annexure-A), issued by the Registrar, NERIST, Arunachal Pradesh reverting the applicant to his parent department on completion of deputation period.

Heard learned counsel Mr T.C. Khatri on behalf of the applicant. Perused the statement of grievances and reliefs sought for in this application. Also heard learned Addl. C.G.S.C. Mr G. Sarma. The applicant is a Junior Engineer (Electrical) under the Superintending Engineer(Electrical), Coordination Circle(Electrical), CPWD, New Delhi (respondent No.2). He served as Assistant Engineer(Electrical) on deputation in NERIST for a period of three years expiring on

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31.12.1993. The term of deputation was extended upto 31.1.1994.

On 10.11.1993 the respondent No.3, Registrar, NERIST, vide letter No.EST-325/5/90 dated 10.11.1993 (Annexure-C) requested for the consent of respondent No.2 to extend the deputation period upto 31.1.1995, i.e. for the fourth year; and the respondent No.2 vide his letter No.12(4)/Coordination Circle(Elect.Y/E-1/7507 dated 28.12.1993 agreed for such extension for the fourth year and requested Respondent No.3 to obtain approval from the Secretary, Government of India, Ministry of Human Resources, New Delhi. After such correspondences, the respondent No.3 vide office order No.EST-325/5/90 dated 28.1.1994 reverted the applicant to his parent department with effect from 31.1.1994 on completion of deputation period intimating respondent No.2 about their regret for not moving for obtaining approval from the Secretary of the concerned Ministry at the short spell of time. In view of the decision taken by the respondent No.3 not to utilise service of the applicant on deputation beyond 31.1.1994 by obtaining approval of the Secretary concerned, the only recourse left for the applicant is to get a posting from Respondent No.2. It will not be proper for us to direct the Respondent No.3 to move the Secretary for according approval of deputation period of the applicant for the fourth (4th) year after

9.2.94

respondent No.3 took the decision to revert the applicant to parent department on expiry of deputation period on 31.1.1994 and passed the order dated 28.1.1994 (Annexure-A). It has now become obligatory on the part of Respondent No.2, Superintending Engineer(Electrical) Coordination Circle (Elect), CPWD, New Delhi to post the applicant by an order. Under such circumstances, we do not propose to entertain this application under Section 19 of the Administrative Tribunals Act, 1985.

The applicant Shri R.C. Bansal with family members are staying at Itanagar, Arunachal Pradesh. His wife is also serving and the children are studying at Itanagar. Mr T.C. Khatri submits that posting of the applicant presently outside Arunachal Pradesh would cause much inconveniences including loss of wife's service and disturbance to children's education. It is further submitted that there are several departments in Itanagar and near about in Arunachal Pradesh under the Respondent No.2 where the applicant can be posted as Junior Engineer (Elect). On consideration of these submissions, it has become our duty to observe and impress upon the Respondent No.2 to consider ~~kha~~ sympathetically for posting the applicant at Itanagar or near about in Arunachal Pradesh so that he can keep regular touch with his family members. It is expected that in order to lessen the agony/sufferings of the applicant and for his solace, the Respondent No.2 will make sincere sympathetic consideration for posting the applicant in Arunachal Pradesh with clear order to avail all benefits including salary and allowances in the new

9.2.94

posting in parent department with effect from 1.2.1994.

This application is disposed of with the above order and observations.

Intimate all concerned immediately.

Shagne
Vice Chairman

Bayan 9/2/94
Member

Copy of the order may be furnished to the counsel for the parties.

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By Order:

Am 9/2/94

P. Comphy
2/10/2

11.2.94

Copy of order dtd.
9.2.94 issued to all
concerned by Regd.
Post. and their
counsel also vide
D/No. 668-674
Dtd. 16.2.94

Am

CA 30/94

OFFICE NOTE

DATE

COURT'S ORDER

12-3-94

The contents in the letter S.No.12(4)Coord Circle(E)/CAT/11 dtd.23-2-94 from the Superintending Engineer, Coordination Circle(E) C.P.W.D., New Delhi may kindly be perused.

Laid for favour of further orders, if any.

AB 12/3

S.O(J)

15-3-94

Record is placed in view of the letter No.S.12(4)/Coord Circle(E)/CAT/11 dated 23-2-94 received from the Superintending Engineer, Coordination Circle(E) C.P.W.D., New Delhi (Respondent No.2).

Perused contents of the letter. Let a copy of this letter be served on Shri G.Sharma, Adl.C.G.S.C..

List on 24-3-94 for further orders.

Abhishek
VICE CHAIRMAN

Go
MEMBER (A)

Copy of letter dtd. 23.2.94
furnished to Shri G.Sharma,
Adl. Circle

Sam
17.3.94

24.3.94

Perused letter No.12(4)/Coord Circle(E)/CAT/11 dated 23.2.94 from respondent No.2. Heard learned Adl. C.G.S.C Mr G.Sarma. No order is required to be passed.

Vijay
Vice-Chairman

Go
Member

OFFICE NOTE

DATE

COURT'S ORDER

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