

**Central Administrative Tribunal  
Principal Bench**

**OA No.2258/2016**

**New Delhi, this the 14<sup>th</sup> day of July, 2016**

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Dr. Atul Verma  
Aged about 51 years,  
S/o Shri Pran Nath Verma  
R/o B-28, Hyderabad Estate,  
Napeaon Sea Road,  
Mumbai 400026

... Applicant.

(By Advocate : Shri Manish Goswami with Shri Avdhesh Kumar)

Versus

1. Union of India  
Through Secretary  
Ministry of Home Affairs,  
North Block,  
New Delhi.
2. Union of India  
Through Secretary  
Ministry of Finance,  
North Block,  
New Delhi.
3. State of Himachal Pradesh  
Through its Chief Secretary  
Nisam Vihar, Shimla  
Himachal Pradesh 171 002.
4. The National e-Governance Division (NeGD)  
Through its Secretary  
4<sup>th</sup> Floor, Electronics Niketan,  
6 CGO Complex, Lodhi Road,  
New Delhi 110 003.

.... Respondents.

**: O R D E R (ORAL) :**

**Justice Permod Kohli, Chairman :**

Heard.

2. Issue notice to the respondents. Shri Gyanendra Singh, learned standing counsel appears and accepts notice on behalf of the respondents.

3. The applicant is a 1991 batch IPS Officer and is presently in the rank of Inspector General of Police. He is from the cadre of Himachal Pradesh. In the year 2012, he applied for the post of Director, Forward Market Commission (FMC for short) through his cadre controlling authority, i.e., Respondent No.1. His application was accepted and he was appointed as Director, FMC w.e.f. 25.04.2013 for a period of three years. In fact, the deputation of the applicant was itself for a period of three years only. Later on, vide Notification dated 28.08.2015, FMC was merged with SEBI and Forward Contracts (Regulation) Act 1952 came to be repealed w.e.f. 29.09.2015. Since FMC ceased to exist, the applicant had to be repatriated.

4. The applicant approached this Tribunal in OA No.3783/2015 challenging his relieving from the services of FMC and repatriation to his parent cadre. The Tribunal vide its judgment dated 23.12.2015 decided the OA with the following directions:-

“24. In view of the above discussion, we are of the view that the OA deserves to be allowed. The impugned orders P1 and P2 are therefore quashed. Our further directions are as follows:-

a) As a consequence of quashing of P1 and P2, the applicant shall continue to be borne on the strength of FMC(now SEBI) and shall continue to get his salary and allowances from FMC(now SEBI) till he assumes charge of a new post or till the conclusion of his original tenure of deputation i.e. three years, whichever comes earlier. This amounts to being on compulsory wait in terms of clause 15 of the Tenure Policy for IPS Officers on Central deputation. O.A.No.3783/2015 15

b) During the remaining tenure of the applicant with FMC (now SEBI), the Respondent No 1 i.e. the Ministry of Home Affairs as cadre controlling authority shall expeditiously take all necessary steps to accommodate the applicant in any other organisation in Mumbai till his originally stipulated tenure of deputation comes to an end. This will also include facilitating consideration of his appointment as CVO in any of the PSUs.”

5. It appears that the applicant in the meantime applied for the post of Director (Awareness & Communication) & Director (Program Management) in National e-Governance Division (NeGD for short) on

deputation basis directly. The applicant's application has been accepted by the said organization. Resultantly, vide letter dated 15.06.2016, Ministry of Home Affairs was informed of applicant's selection for the post of Director (Program Management) on the basis of his advance copy of application. The Ministry has been asked to furnish certain information/documents which *inter alia* includes :-

- “(i) Application of the officer through proper channel.
- (ii) Cadre and vigilance clearance of the officer.
- (iii) No Objection Certificate (NOC).”

6. The applicant has filed the present OA seeking following reliefs:-

- “(a) Quash and set aside the Office Order No.1/1/2016-FMC Cell dated 04/05/2016 issued by the Forward Market Commission Cell repatriating the applicant to his parent cadre w.e.f. 25/04/2016;
- (b) Pass necessary directions directing the respondent No.1 to mandatorily post the applicant in any Department/Organization in terms of Rule 15 (2) of the 'Tenure policy for IPS officers on central deputation';
- (c) Direct the Respondent No.1 to act in terms of the letter dated 15/06/2016 issued by the proforma respondent No.4 and forthwith furnish the information/documents sought for in the said letter;
- (d) Direct the respondents to forthwith forward the applications and other information of the applicant to the other departments/organisations where he has applied for appointment on lateral deputation;
- (e) Pass any other order (s) or further orders as may be deemed fit in the interest of justice and equity.”

7. Shri Manish Goswami, learned counsel for the applicant submits that in terms of Rule 15 of Tenure Policy for IPS Officers on Central deputation, the tenure of deputation of the applicant is for a period of five years and thus he is entitled to remain on deputation for a period of five years. His further contention is that in terms of directions of this Tribunal in OA No.3783/2015 the applicant is entitled to join any organisation for the tenure up to five years. Admittedly, the cadre controlling authority of the applicant, i.e., Ministry of Home Affairs has

not consented for deputation of the applicant beyond the period of three years, the original deputation period sanctioned earlier. The applicant has made a representation dated 15.06.2016 to the Ministry of Home Affairs with the prayer to forward his application with the information/documents as desired by the NeGD vide their communication dated 15.06.2016.

8. After arguing for some time, learned counsel for the applicant submits that at least a direction be issued to the Ministry of Home Affairs which is the cadre controlling authority of the applicant to consider his representation dated 15.06.2016 **(Annexure P-12)** annexed with the present OA.

9. In view of the above submissions, this Application is disposed of with the direction to respondent No.1 to consider the aforesaid representation of the applicant and take a decision thereon by passing a reasoned and speaking order within a period of one month from the date of receipt of certified copy of this order.

**(K. N. Shrivastava)**  
**Member (A)**

**(Justice Permod Kohli)**  
**Chairman**

/pj/