

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.3163/2015

New Delhi, this the 9th day of September, 2016

Hon'ble Mr. P.K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Dr. Manoj Srivastava

S/o Late Shri D.D. Srivastava,

Residing at B-8, Sector -56,

Noida-201 301, UP

And was working as Registrar

Protection of Plant Varieties and Farmers' Rights Authority

S-2, A Block, NASC Complex, DPS Marg,

New Delhi-110012

.....Applicant

(Applicant in person)

Versus

1. Union of India, through, Secretary
Ministry of Agriculture, Krishi Bhawan, New Delhi
 2. Chairman,
Protection of Plant Varieties and Farmers' Rights Authority,
S-2 A Block , NASC Complex, DPS Marg
New Delhi -110 012
 3. Vice –Chancellor
Punjab Agriculture University
Ludhiana
- Respondents

(By Advocate: Mr. Rajinder Nischal, Mr.Mayank Joshi)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

Heard the applicant, who is present in person and the learned counsel for the respondents.

2. The brief facts of the case are that the applicant had been selected and joined Protection of Plant Varieties and Farmers' Rights Authority (PPV&FRA) in the year 2009, as Registrar initially for a period of three years on deputation. After completion of three years, his tenure was extended for another two years, i.e., from 24.04.2012 to 23.04.2014 on the existing terms and conditions of deputation.

3. The applicant has sought absorption in Protection of Plant Varieties and Farmers' Rights Authority (PPV&FRA). For that purpose No Objection Certificate (NOC) dated 28.1.2014 was issued by his parent Organization, namely, Punjab Agriculture University, Ludhiana, (PAU) with the condition that Dr. Srivastava should take voluntary retirement from the university, where he was a Professor before coming over to (PPV&FRA) as Registrar. However, the said NOC was withdrawn, vide order dated 11.03.2014. The request for absorption in (PPV&FRA) was considered, vide office memorandum dated 18.08.2015, by the concerned respondent No.2 (PPV&FRA) and rejected as the competent authority did not find the applicant fit for absorption. He was relieved from the afternoon of 18th August, 2015 from his duties as Registrar in (PPV&FRA), with directions to report for

duty to his parent department, i.e., Punjab Agricultural University, Ludhiana and since then he has been working there as Professor.

4. Learned counsel for the applicant's main ground is that he was never been given an opportunity of being heard before his request was rejected. Secondly, it is stated that charge memorandum issued to him for major penalty has absolutely no substance and is based on unsubstantiated allegations just to harm his chance of absorption.

5. Learned counsel for the respondents states that no employee has a right to be absorbed in the department/ agency, whose service was taken on deputation basis and therefore, since he has no accrued right, this OA needs to be dismissed. He further stated that even otherwise, now that the NOC issued by the PAU has been withdrawn, there is no way the applicant can be absorbed in (PPV&FRA). Also, there are serious allegations against the applicant for which charge memorandum has been issued and the respondents have taken a view in the light of the above facts to reject his claim for absorption and relieved him to join PAU, Ludhiana.

6. We have gone through the detailed order passed by the respondents dated 18.08.2015, where all the facts of the case have been extensively discussed and we also find that the charges against him are not trivial and require to be enquired into thoroughly. Furthermore, it is observed that initially applicant's deputation period was for three years and the respondents have granted extension for further two more years and the applicant has stayed in PPV&FRA for almost twice the period for which the applicant had applied for. Lastly, and more importantly, the applicant has no right of being absorbed. In the facts and circumstances of the case we are convinced that there is no malafide action on behalf of the respondents. The OA is, therefore, dismissed. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member A)

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