

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 4165/2013

This the 31st day of October, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Dr. Manoj Srivastava,
Son of Late Shri Srivastava,
Residing at B-52 Noida, U.P.,
And working as Registrar,
Protection of Plant Varieties and
Farmers 'Rights Authority,
S-2, A Block, NASC Complex,
DPS Marg, New Delhi – 110 012.

....Applicant

(Applicant present in person)

Versus

1. Union of India, through Secretary,
Ministry of Agriculture,
Krishi Bhawan, New Delhi.
2. Chairperson,
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. R. K. Sharma for respondent no. 1, Mr. Rajinder Nischal and Mr. P. K. Singh for Mr. Rajeev Kumar)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

The applicant is an employee of the Punjab Agricultural University. He was appointed as Registrar in

the “Protection of Plant Varieties and Farmers ‘Rights Authority”, (for short, the ‘Authority’), with effect from 24.04.2009 for a period of three years. On completion of three years, it was extended by one year. It is stated that during that period, the parent department of the applicant granted promotion to him with certain conditions.

2. The applicant made a representation to the Authority with a prayer to extend him, the benefit of enhanced pay scale, together with arrears. Through communication dated 31.10.2013, the Authority informed him that benefit of promotion in the parent organisation does not enure to his benefit, when he is on deputation and his request for continuing the deputation as Registrar in the Authority, beyond 4th year can be considered, if only, he files an undertaking to the effect that he would serve the Authority in the same scale of pay in which he was appointed at the time of deputation and does not claim the benefit of promotion and arrears of pay. Through another communication dated 11.11.2013, the request of the applicant for extension of deputation beyond 4 years was accepted, provided, he is willing to serve the Authority in the same pay scale. In a way, the communication dated 11.11.2013 is repetition of the one dated 31.10.2013. The applicant challenged both the orders in this O.A. He

contends that the developments that take place in his parent organisation must be reflected, when he is on deputation and the respondents have wrongfully denied him promotion as well as pay scale. He further pleads that the maximum period of deputation in the Authority is five years and that was denied to him without any basis.

3. Respondents filed counter affidavit opposing the O.A. Several developments that have taken place ever since the applicant joined, are stated in detail.

4. We heard the applicant in person and Mr. R. K. Sharma for respondent no. 1, Mr. Rajinder Nischal and Mr. P. K. Singh for Mr. Rajeev Kumar, for the respondents.

5. The applicant tried to present before us, various developments that have taken place subsequent to the filing of the O.A. However, we are concerned only with the legality or otherwise of the orders, impugned in the O.A. Deputation, by its very nature, is always in the discretion of the parent department. An employee who is working on deputation cannot expect any change of service condition, such as increment in the salary or for that matter, promotion, in the borrowing department. The parent organisation of the applicant no doubt has promoted him as Registrar. However, that was to be effective only on his

joining the University, after repatriation. It was also made clear that the benefit of promotion shall not have any impact on the deputation. The same was reiterated in the order dated 13.11.2011 passed by the respondents. If, the applicant was not agreeable to the course that was indicated in the said letter, it was always open to him to return to his parent organisation.

6. Whatever be the circumstances under which the impugned communication was issued, the fact remains that the deputation of the applicant was extended beyond five years. Therefore, nothing remains to be decided in the O.A.

7. The O.A is dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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