

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

**OA No. 4297/2018
MA No. 4875/2018**

New Delhi this the 26th November, 2018

**Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Sh. S.N. Terdal, Member (J)**

Vidya Sukumaran
Aged about 42 years
D/o Sh. K. Chandramohan
R/o E-105, Amrapali Princely Estate, Sector 76, Noida
working as Under Secretary, (Group A)
Min. Of External Affairs, New Delhi.

.. Applicant

(By Advocate : Mr. Umesh Sharma)

Versus

Union of India through its

1. Secretary
Ministry of External Affairs
South Block, New Delhi.
2. The Director
Indian Space Research Organisation
Antariksh Bhawan, New BEL Road, Bangalore.

... Respondents

(By Advocate : Mr. Ranjan Tyagi)

ORDER (ORAL)

Mr. K.N. Shrivastava:

The applicant's parent organisation is ISRO. She came on deputation to the post of Under Secretary in the Ministry of External Affairs (MEA) on 17.10.2016 for a initial period of three years. MEA vide impugned Annexure A-1 OM dated 11.09.2018 informed ISRO that they would like to prematurely repatriate the applicant on functional grounds. ISRO in turn vide Annexure A-2 letter dated 24.10.2018 informed MEA that they have no objection to the proposal of repatriation.

2. The applicant has approached the Tribunal in the instant OA seeking quashment of Annexure A-1 OM on the ground that the requirements of DOPT OM No. 6/8/2009-Estt. (PayII) dated 17.06.2010 have not been complied with. It is stated that in terms of the OM, the applicant was also required to be given three months advance notice before repatriation is effected but the same has not been done.

3. Heard Mr. Umesh Sharma, learned counsel for the applicant. He submitted that at no point of time, the applicant was given any notice with regard to her proposed repatriation to parent organisation. He, however, fairly stated that the applicant received an email on 11.10.2018 from MEA regarding the proposal to repatriate her.

4. We have gone through the pleadings. We are of the view that the respondents were legally obliged to give three months notice to the applicant also in terms of the aforementioned DOPT OM. Since, Annexure A-1 OM was made known to the applicant by MEA on 11.10.2018, we are of the view that the applicant must be allowed to continue on deputation with MEA for a period of three months effective from 11.10.2018 and thereafter she can be repatriated to her parent organisation, for which the consent of the parent organisation has already been obtained.

5. Accordingly, we dispose of this OA with a direction to the respondents to allow the applicant to continue on deputation till 10.01.2019. Thereafter, the MEA shall have liberty to repatriate the applicant to her parent organisation.

6. In view of the disposal of the OA, no separate order is required to be passed in MA No. 4875/2018 which has been filed seeking exemption from filing the handwritten documents. The MA accordingly stands disposed of.

There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

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