

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
**OA/050/00536/18**  
**With**  
**MA/050/00500/2018 & MA/050/00064/2019**

Date of Order: 19.02.2019

**C O R A M**  
**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER**  
**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Manju Diwakar Sharma, wife of Shri Diwakar Sharma, Resident of Flat No. 201, Sudama Suraj Complex, Veer Pasawan Singh Nagar, Patna, PO- Veterinary College, Patna, PS- Rupaspur, District- Patna.

.... Applicant.

By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India through the Secretary, Ministry of Labour, Government of India, New Delhi - 110066.
2. The Central Provident Fund Commissioner Cum Secretary, Central Board of Trustees, Employees' Provident Fund Organization, Bhavishya Nidhi Bhawan, 14 Bhikaji Palace, New Delhi- 110066.
3. The Chief Engineer (P.F.D.) Central Provident Fund Organization, Ministry of Labour, Government of India, Bhavishya Nidhi Bhawan, 14 Bhikaji Palace, New Delhi-110066.
4. The Central Provident Fund Commissioner, Ministry of Labour, Government of India, Bhavishya Nidhi Bhawan, 14 Bhikaji Palace, New Delhi- 110066. The Additional Provident Fund Corporation (ii) Zonal Office, Bihar and Jharkhand, Patna RPFC 1 Patna (Employee' Provident Fund) Ministry of Labour and Employment, Government of India, Bhavishya Nidhi Bhawan, R Block Road No. 6, Patna- 800001.
5. The Regional Provident Fund Commissioner (HRM) Employees' Provident Fund Organisation, Bhavishya Nidhi Bhawan, 14 Bhikaji Palace, New Delhi- 110066.
6. The Secretary, Ministry of Shipping, Government of India, Andaman and Lakshdweep, Harbar Work, Port Blair, PO No. 139- 744101.
7. The Deputy Chief Engineer 1 Ministry of Shipping, Government of India, Andaman and Lakshadweep, Harbar Work, Port Blair- 744101.

..... Respondents.

By Advocate: - Mr. J.P. Verma

**ORDER**  
**[ORAL]**

**Per Dinesh Sharma, A.M:-** The case of the applicant is that after completion of her tenure of deputation (at RO, Patna of EPFO) she was repatriated to her parent department (Chief Engineer & Administrator, ALHW, Port Blair) by office order dated 20.03.2017 of Regional PF Commissioner-I, HRM (Annexure/8). However, no specific relieving order was issued by her controlling officer and she continued to work at Patna till another office order (dated 31.05.2018, Annexure/15) was issued by Assistant Provident Fund Commissioner (ADM), Regional Office, Patna by which she was directed not to mark her attendance but to hand over all the files. Her contention is that there should be a specific relieving order from his controlling authority to relieve her from Regional Office, Patna and her stay beyond the period of deputation should be regularized.

2. The respondents have filed a written statement in which they have denied the claims of the applicant. They have pointed out that it was mentioned in the deputation order itself that the deputationist officer would be deemed to have been relieved on the date of expiry of her deputation period. She was specifically relieved of her duties w.e.f. 20.03.2017 by the office order dated 20.03.2017 and there was no need for issuing any further order of relief.

2. During the pendency of this OA, the applicant has filed two Misc. Applications (Nos. 500/2018 and 64/2019) through which she has requested for a direction to stay the order dated 31.05.2018 and to issue a direction to regularize the period of stay beyond March, 2017 respectively.

3. The applicant has also filed a rejoinder in which she reiterated her earlier claim and pointed out a case of one Mr. V. Ramassamy in whose case a separate relieving order was issued. She also produced some documents to show that she was made to do official work during this period of alleged overstay which, according to her, was not of her own volition.

4. After having gone through the pleadings and hearing the learned counsels of both the parties, it is clear that the applicant has remained at the place of her deputation posting beyond the period of deputation despite there being a clear order ordering her relief and directing her to join at her parent department. It is also clear from the records produced that she has not been paid for this period of overstay. Though there are some documents to indicate that she participated in some official work that cannot be taken as a proof of extension of her deputation period. Since the terms of deputation were very clear the applicant could not have assumed the extension of her deputation without having a clear order from the competent authority to that effect. It is also clear from the facts brought before this Tribunal that despite many clear instructions not to mark her attendance she has still not reported back to her parent department. That leads us to an obvious conclusion that she is avoiding repatriation on a flimsy ground of not getting a further written order from her immediate superiors. Since the applicant has failed to show anything which could entitle her to get the reliefs claimed, the OA as well as the MAs are dismissed. No order as to costs.

**[ Dinesh Sharma ]**  
**Administrative Member**  
**Srk.**

**[Jayesh V. Bhairavia]**  
**Judicial Member**

