

**Central Administrative Tribunal
Principal Bench**

OA No.847/2019

New Delhi, this the 5th day of April, 2019

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Mohd. Jamshed, Member (A)**

Praveen Malik, Aged about 51 years
S/o Sh. R.C. Malik, Group 'A'
Director (On Deputation)
Chaudhary Charan Singh National Institute of Animal
Health
Baghpat, Uttar Pradesh-250609.

... Applicant

(By Advocate: Ms. Sangeeta Tomar)

Versus

1. Union of India
Ministry of Agriculture and Farmers Welfare
Government of India
Through Secretary
Department of Agricultural Research and Education
(DARE)
Krishi Bhawan, New Delhi-110001.
2. Secretary
Department of Agricultural Research and Education
(DARE)
and Director General, Indian Council of
Agricultural Research (ICAR)
Ministry of Agriculture and Farmers Welfare
Government of India
Krishi Bhawan, New Delhi-110001.
3. The Director(P)
Indian Council of Agricultural Research (ICAR)
Department of Agricultural Research and Education
(DARE)
Ministry of Agriculture and Farmers Welfare
Government of India

Krishi Bhawan, New Delhi-110001.

4. The Director
ICAR-National Research Centre on Enquiries
Sirsa Road, Hisar, Haryana-125001.
5. The Secretary,
Department of Animal Husbandry
Dairying and Fisheries (DAHDF)
Ministry of Agriculture and Farmers Welfare
Government of India
Krishi Bhawan, New Delhi-110001.
6. The Under Secretary (Admn I)
Room No.436-A
Department of Animal Husbandry
Dairying and Fisheries (DAHDF)
Ministry of Agriculture and Farmers Welfare
Government of India
Krishi Bhawan, New Delhi-110001.

...Respondents

(By Advocates: Shri Rajeev Sharma and Shri Shailendra Tiwari)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant is a Principal Scientist in the Indian Council of Agricultural Research (for short, ICAR). He went on deputation to the post of Director in the Department of Animal Husbandry, Dairying and Fisheries (for short, DAHD&F) at Baghpat w.e.f. 09.04.2015. The same organisation issued advertisement in December, 2018, for the post of Commissioner, to be appointed on

deputation basis. The applicant wanted to apply for the same. As required under the relevant rules, he submitted his application for counter signature by his competent authority in ICAR. Through letter dated 12.02.2019, it was stated that the applicant is already on deputation for a period of five years to the DAHD&F at Bagpat and according to the guidelines issued by the DOP&T in their OM dated 17.06.2010, there must be 'cooling off' period of three years after every spell of deputation and his request cannot be acceded to. The same is challenged in this OA.

2. The applicant contends that there is no prohibition under the rules for an employee to go on deputation to another ex-cadre post within the total period of five years and the view taken by the respondents cannot be sustainable in law.

3. The learned counsel for respondents obtained instructions in this behalf.

4. We heard Ms. Sangeeta Tomar, learned counsel for applicant and Shri Rajeev Sharma and Shri Shailendra Tiwari, learned counsel for respondents.

5. As of now, the applicant is on deputation to DAHD&F and it is valid upto 08.04.2020. The applicant wants to be considered for appointment as Commissioner in the same Organisation. In response to an advertisement issued in this behalf, the respondents have refused to accord permission by stating that there must be 'cooling off' period of three years after every spell of five years.

6. Across the bar, it is stated that the applicant does not intend to go on deputation to another ex-cadre post beyond the present spell of five years. However, that was not clear from the papers submitted by him before the respondents. In case the request of the applicant is only for permission to go on deputation to any ex-cadre post within the spell of five years, altogether different consideration arises. For this purpose, the applicant has to make a fresh application in this behalf through proper channel.

7. We, therefore, dispose of the OA, leaving it open to the applicant to make an application seeking the counter signature of the competent authority in ICAR to enable him to apply to another ex-cadre post for a tenure not

exceeding the aggregate of five years, which he is already availing. As and when such a request is received, the respondents shall pass appropriate orders within a period of one week from the date of receipt of a certified copy of this order.

There shall be no order as to costs.

Order **Dasti.**

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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