

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**RA-90/2019 and
CP-150/2019 in
OA-319/2019**

New Delhi, this the 03rd day of May, 2019

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

RA No. 90/2019

1. Ministry of Law And Justice
Through Law Secretary
4th Floor, A Wing, Shastri Bhawan
RP Road, New Delhi.
2. Department of Financial Services
Through Secretary
3rd Floor, Jeevan Deep Building
10, Parliament Street,
New Delhi ... Applicants

(through Sh. Hanu Bhaskar and Sh. S.N. Verma)

Versus

Dr. Harinder Pal Singh
S/o Sh. S. Jooginder Singh Bhullar,
Aged: 45 Years
R/o House No. 109, Asia House,
KG Marg, Delhi
Designation: Assistant Legal Advisor... Respondent

(through Sh. Amarjit Singh Bedi)

CP No. 150/2019

Dr. Harinder Pal Singh,
S/o Sh. S. Joginder Singh Bhullar,
R/o House No. 109, Asia House,
KG Marg, Delhi. ... Petitioner

(through Sh. Amarjit Singh Bedi)

Versus

Dr. Alok Srivastava,
Law Secretary,
Department of Legal Affairs,
Ministry of Law and Justice,
4th Floor, A Wing, Shastri Bhawan,
RP Road, New Delhi. ... Respondents

(through Sh. Hanu Bhaskar and Sh. S.N. Verma)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

RA No. 90/2019

The respondents in OA No. 319/2019 filed this Application with a prayer to review the order dated 19.02.2019 passed by this Tribunal. For the sake of convenience, the parties are referred to as arrayed in the OA. In the OA, the relief pertaining to the deputation of the applicant to another department was claimed. It was stated that the applicant who is working as Assistant Legal Adviser in the Ministry of Law, was selected as a Recovery Officer in DRT to be appointed on deputation. The respondent was refusing to relieve him, stating that the applicant did not complete the stipulated service of ten years in the context of being permitted to go on deputation. One of the grounds pleaded by the applicant was that two officers of his batch, who too, did not complete the period of ten years of service, were relieved to enable them to accept offer in foreign country. That was taken note of and the OA was allowed, directing the respondents therein to relieve

the applicant to enable him to join the post of Recovery Officer in DRT by granting relaxation, as they did in the case of two other Assistant Legal Advisers of the batch of the applicant.

2. In this RA, it is stated that the two officers mentioned in the order of the OA namely, Sh. Amit Tyagi and Sh. K.M. Arya, were not relieved at all, and that their case for relaxation of relevant rules is under consideration.

3. We heard Sh. Hanu Bhaskar and Sh. S.N. Verma, learned counsel for the respondents and Sh. Amarjit Singh Bedi, learned counsel for the applicant.

4. We did take note of the plea of the applicant that two of his batchmates were granted relaxation. In Para 7, following observation was made

“7. It is no doubt true that no employee can claim the benefit of relaxation as a matter of right. However, if the department permitted him to incur certain obligations or to acquire certain rights, they cannot retract their steps to violate the right of the applicant. The employee got a legitimate expectation. It is not in dispute that the respondents have relieved two officers of the applicant's batch to join as Law Officers on deputation basis. When they did not find it difficult to relieve them either by granting relaxation or otherwise, there is no reason why the applicant be not extended the same treatment. Viewed in the context of legitimate expectation of the applicant which in turn is generated on account of assurance given by the respondents themselves that they would relieve the applicant on being selected, or from the angle of the discrimination which is frowned at by Article 14 of the Constitution of India, the action of the respondents cannot be sustained. The factors such as administrative exigency in the department are required to be taken into account, before Part II in the form is signed and not after the candidate is selected.”

The effect of this observation was, in fact, reflected in the relief portion also. Para 8 reads as under:

“8. We, therefore, allow the OA and direct the respondents to relieve the applicant to enable him to join the post of Recovery Officer in DRT within a period of four weeks, from today, if necessary, by granting the relaxation as was done in the case of two other Legal Advisors of the batch of the applicant. There shall be no order as to costs.

5. In the review petition, it is stated that the other two Assistant Legal Advisers were not granted relaxation and the proposal in their behalf is pending consideration. This fact is not disputed by the applicant. Therefore, the order in the OA needs to be modified duly taking into account, this fact. Therefore, we review the order dated 19.02.2019 in the OA by substituting Para 8 as under:

“ 8. We, therefore, allow the OA and direct the respondents to consider the case of the applicant along with the cases of Sh. Amit Tyagi and Sh. K.M. Arya in the context of granting relaxation of relevant rules as to the services to enable them to avail the benefit of deputation.”

6. The RA stands disposed of accordingly. There shall be no order as to costs.

CP No. 150/2019

This contempt case is filed alleging non-compliance of the directions contained in order dated 19.02.2019 passed in OA No. 319/2019.

In view of the order passed in RA No. 90/2019, this contempt case does not survive. The same is, accordingly, closed.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/