

**Central Administrative Tribunal
Principal Bench**

OA No.1634/2019

New Delhi, this the 28th day of May, 2019

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

Sh. M. A. Imam
S/o Shri Md. Khalil,
Aged about 52 years,
Group 'A',
Presently working as Director
National Institute of Public Cooperation & Child
Development
5, Siri Institutional Area,
Hauz Khas, New Delhi. ... Applicant.

(By Advocate : Shri Amit Anand)

Vs.

Union of India
Through its Secretary
Ministry of Women & Child Welfare,
Shastri Bhawan,
Delhi. Respondent.

(By Advocate : Ms. Aishwarya Dohal for Shri Hilal Haider)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant is on deputation to National Institute of Public Cooperation & Child Development (NIPCCD) IPPCD as Director. The period of deputation was for two years, and it was to expire on 17.05.2019. He filed OA No.1419/2019 with a prayer to direct the respondents to extend the term of deputation for three years in

consonance with OM dated 17.06.2010. The OA was disposed of on 07.05.2019 directing the respondent, i.e., Ministry of Women and Child Welfare to pass orders on the representation made by the applicant, as regards his continuance on deputation beyond two years. It was also directed that the views of NIPCCD be ascertained in this behalf.

2. In compliance to the directions issued by this Tribunal, the 1st respondent passed an order dated 17.05.2019. It is stated that a letter was addressed to NIPCCD to express their comments/views on the representation of the applicant, but the Additional Director of NIPCCD addressed a letter dated 16.05.2019 stating that they need two more days to consult experts and to make comments. After discussing the various aspects, the respondent has decided not to extend the term of deputation of the applicant. The same is challenged in this OA.

3. We heard Shri Amit Anand, learned counsel for the applicant and Ms. Aishwarya Dohal for Shri Hilal Haider, learned counsel for the respondents.

4. It is not in dispute that the period of deputation of the applicant expired on 17.05.2019. He approached this

Tribunal well in advance and a direction was also issued to consider his representation. We, however, find that the Additional Director of NIPCCD has acted smartly, if not in an irresponsible manner, in making a comment that the Ministry of Women and Child Welfare have taken seven days time to examine the issue, and they need at least two days to get expert's opinion. Left with no alternative, the respondent passed an order refusing to extend the term of deputation of the applicant. The applicant was aware that his deputation is only for two years. When a borrowing department can repatriate an employee working on deputation even before the expiry of the term, the question of continuing the applicant, after expiry of his term, does not arise.

5. We do not find any ground to interfere with the impugned order dated 17.05.2019. The OA is accordingly dismissed.

6. Learned counsel for the applicant submits that the comments of the NIPCCD have been received by the respondent on 17.05.2019. If the respondent takes any different view from the one expressed in the order dated 17.05.2019 on perusal of the comments expressed by the

NIPCCD, it shall be open for them to take it. There shall be no order as to costs.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/