

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.305/2003

Tuesday, this the 11th day of February, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampi, Member (A)

PR Kumawat @ Pusa Ram
s/o Late Shri Gumana Ram
House No.34, Main Market,
Badarpur, New Delhi-44

...Applicant

(By Advocate: Shri G.S. Chaman)

Versus

Commissioner, Delhi Police
Police Headquarters, New Delhi-3

2. Director General, CISF, CGO Complex
New Delhi

...Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

The applicant is a Constable. He has been recruited in the Central Industrial Security Force. He had been taken on deputation in Delhi Police sometimes on 28.1.1999. Seemingly, the period of deputation had been extended from time to time. Vide the order passed on 21.10.2002, the applicant had been repatriated to his parent Department. The order recites that it had come into force with immediate effect.

2. By virtue of the present application, the applicant seeks that he should be considered for permanent absorption in Delhi Police as per the rules and the order repatriating him to Central Industrial Security Force should be quashed.

3. In support of his plea, the learned counsel for the applicant contends that period of deputation was only



(2)

extended twice and thereafter, no such order had been passed. He also contends that in terms of the decision rendered by the Supreme Court in the case of Rameshwar Prasad Vs. Managing Director, U.P. Raikya Nirman Nigam Ltd. (1992 (2) ATJ 635), the applicant should be absorbed in Delhi Police.

4. We have heard the learned counsel for the applicant and considered the submissions so made.

5. The position in law is well settled. A person, who is on deputation, has no vested right to continue on deputation, nor he has a vested right to be absorbed while on deputation. He can always be sent back to his parent Department. Whenever a person is called on deputation, generally, it is for a specific purpose. After that purpose is served, a person can be sent back to his parent Department or even before that.

6. This is always a tripartite agreement. While the applicant's learned counsel contends that the applicant should be permanently absorbed and so considered, there is nothing on the record for us to indicate that the parent Department of the applicant has no objection in this regard. In the absence of parent Department's consent, such a consideration would also be meaningless.

7. The order repatriating the applicant had been passed way-back in October, 2002. The applicant, as stated at the bar, is still serving in Delhi Police. We are surprised that despite such an order, the applicant has not cared to join the parent Department.



8. So far as the decision rendered by the Supreme Court in the case of Rameshwar Prasad (supra) is concerned, perusal of it clearly reveals that there were specific rules in the U.P. Rajkiya Niram Nigam Limited in this regard. It was in pursuance of an interpreting those rules that the Supreme Court, in the peculiar facts, held that the persons concerned should be so absorbed. It is not so herein. At best, the applicant could only lay that he may be considered for absorption, but cannot claim the same as of right. The decision in Rameshwar Prasad's case (supra) must be taken to be confined to the peculiar facts of that case because even in the cited decision, so much relied upon by the learned counsel for the applicant, the Apex Court has categorically held that the deputationist does not have a right to be absorbed in this regard.

9. Resultantly, we find that the present application is totally devoid of any merit. It must fail and is dismissed. However, by way of abundant precaution, we make it clear that the applicant, if so advised, can always move the respondents for his permanent absorption which can be considered in accordance with law.

(Govindan S. Tampi)
Member (A)

/sunil/

(V.S. Aggarwal)
Chairman