

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1574/2003

(C)

This the 10TH day of July, 2003

HON'BLE SH. V.K.MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Ct. Kaptan Singh,
S/o Sh. Naidar Singh
R/o H.No.1136,
Village Bawana,
Delhi-110039.

(By Advocate: Sh. Arun Bhardwaj)

Versus

1. Commissioner of Police
M.S.O.Building,
Police Head Quarters,
I.P.Estate,
New Delhi.
2. Jt. Commissioner of Police
(HQRS) Delhi Police,
I.P.Estate,
New Delhi.
3. Deputy Commissioner of Police,
HQ (Estt.), PHQ, I.P.Estate,
New Delhi.
4. Director General,
Central Industrial Security Force,
13, CGO Complex, Lodhi Road,
New Delhi.

(By Advocate: Sh. Ajesh Luthra)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA under Section 19 of the AT Act as he is aggrieved of the fact that he has been discriminated in the matter of repatriation/absorption in Delhi Police which is violative of Article 14 of the Constitution of India.

2. The facts in brief are that the applicant is working as Constable with Central Industrial Security Force (CISF). Thereafter the applicant had joined Delhi Police on deputation basis w.e.f. 9.6.98 as per Annexure A-2. Applicant alleges

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that there were 14 other similarly situated persons who were absorbed in Delhi Police from amongst those persons whose services were transferred from SPG on deputation basis, illegally and without adopting any uniform policy/guidelines in the matter in question.

3. Applicant is also alleged to have made representations to Resp. No.1 to absorb him in Delhi Police but his case has been turned down and he is now being repatriated. Notice of this OA was issued to the respondents and the case was listed today for consideration of interim relief. However, after hearing the parties, we are proceeding to decide the OA itself.

4. It is cardinal principle of law that before an employee is absorbed by the borrowing department consent is required from three quarters.

- a) Applicant should give his consent for being absorbed in the borrowing department.
- b) Borrowing department should also agree to absorb the employee.
- c) Lending department should have also no objection for the employee being absorbed in the borrowing department.

5. Learned counsel appearing for the respondents have placed on record a letter written by the respondents Delhi Police seeking a no objection from the lending department for

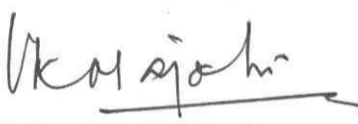
(2)

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absorption of the applicant in Delhi Police. The lending department vide their reply dated 6.11.2001 had already refused to give no objection and had requested the borrowing department that the individual may be repatriated immediately on completion of his deputation tenure with direction to report to the lending department. There is another letter dated 11.7.2002 wherein again the lending department had requested the borrowing department to repatriate Constable Kaptan Singh to CISF without further delay. Thus, it is quite manifest that the lending department is not at all willing to give consent for the absorption of the applicant in Delhi Police. So in the absence of that, OA cannot be allowed.

5. Accordingly, we find that OA has no merits and the same is liable to be dismissed. OA is hereby dismissed. No costs.


(KULDIP SINGH)
Member (J)


(V.K. MAJOTRA)
Member (A)

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