

43

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.210/00699/2019

Dated this Wednesday, the 13th day of November, 2019

CORAM: R.VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Shri Kuldeep Dixit, Age 27 years,
working as Sepoy NCB, Mumbai,
residing at Room No.1581, Block No.43, Sector 7,
Antop Hill, Mumbai 37. - *Applicant*
(By Advocate Shri Vicky Nagrani)

VERSUS

1. Union of India, through The Secretary,
Ministry of Home Affairs, North Block, New Delhi 110 001.
2. The Director General, Narcotics Control Bureau,
Headquarters, R.K.Puram, New Delhi 110 066.
3. The Zonal Director, Narcotics Control Bureau,
Zonal Unit Mumbai, 3rd Floor, Exchange Bldg., Ballard Estate,
Fort, Mumbai 400 001. - *Respondents*
(By Advocate Shri R.R.Shetty)

ORDER (Oral)

Per : R.Vijaykumar, Member (A)

Heard Shri Vicky Nagrani, learned
counsel for the applicant and Shri
R.R.Shetty, learned counsel for the
respondents.

2. This application has been filed on
14.10.2019 under Section 19 of the
Administrative Tribunals Act, 1985 seeking
the following reliefs:

“8(a). This Hon'ble Tribunal may graciously be
pleased to call for the records of the case from the
Respondents and direct the Respondents to fill up the
post of Sepoy as per recruitment rules and following

the DOPT OM norms as envisaged in OM dated 26.03.2009 and dated 17.06.2010 more particularly in para B(1) and para 3.3 respectively of the said OM with all consequential benefits.

8(b). This Hon'ble Tribunal may be please to hold and declare that the candidates who are appointed on deputation basis having higher pay scales than the post of Sepoy in violation to DOPT OM dated 26.03.2009 and 17.06.2010 are illegal and shall be repatriated with immediate effect.

8(c). Cost of the application be provided for.

8(d). Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

3. The learned counsel for the respondents submits that he needs more time to file reply but at the preliminary stage, he refers to the OA and points out that the applicant's basic grievance seems to be against the method adopted by the respondents for getting persons on deputation and absorbing them.

4. The learned counsel for the applicant submits that the persons who come on deputation are drawing higher grade pay and in terms of rules of DOPT are not eligible to come on deputation to a lower cadre post. It is admitted that the applicant has not impleaded any of the affected party. The learned counsel for the applicant also submits that he is not objecting to the

persons who earlier came on deputation and since got absorbed in the relevant grade as applicable to them. But he objects to absorption of the persons who have come on deputation and who have not yet been absorbed.

5. The learned counsel for the applicant was inquired on how the applicant who is in the lowest grade pay of Rs.1,800/- (VI Pay Commission) was affected. He insists that the respondents have violated the instructions communicated by the DOPT in their Office Memorandum dated 26.03.2009 and 17.06.2010 (Annexure A-3) and there could be some impact on his career in future but he is not able to identify any specific aspect thereof. The applicant has filed representation on 24.01.2019 and followed this with a reminder to the respondent No.2 on 07.06.2019 setting out his grievances for which he has not received any reply. This later representation requests that posts should be filled only through fresh recruitment and further, refers to the lack of cadre policy, requests transfer, promotional opportunities, etc.

6. In the circumstances, it is necessary for the respondents to reply to the applicant's grievances which are of a manifold type covering all of personal and official aspects before the specific issues could be adjudicated by this Tribunal.

7. In terms of the above, the respondents are directed to examine the representations filed by the applicants and to pass a reasoned and speaking order within a period of six weeks from the date of receipt of a certified copy of this order and then communicate their orders to the applicant within two weeks thereafter.

8. In the aforesaid terms, this OA is disposed of without any order as to costs.

(Ravinder Kaur)
Member (Judicial)

(R. Vijaykumar)
Member (Administrative)

*kmg**