
(2021) 05 CAT CK 0010

In the Central Administrative Tribunal

Case No : Original Application No. 952 Of 2021

Yagya Datt Viduwa

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 12-05-2021

Acts Referred:

Citation : (2021) 05 CAT CK 0010

Hon'ble Judges : L. Narasimha Reddy, J; Tarun Shridhar, Member (A)

Bench : Division Bench

Advocate : Sanjay Chhabra, S.B. Upadhyay, Anisha Upadhyay, Satish Kumar

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant is Executive Engineer in the Public Works Department(PWD) of the Government of Rajasthan. He was appointed as Deputy

General Manager in the office of the 2nd respondent herein with effect from 03.12.2019. It is stated that he has overseen the projects of the 2nd

respondent in Nepal and other places. Through order dated 08.04.2021, the second respondent repatriated the applicant to his parent department. The

same is challenged in this OA.

2. The applicant contends that he was not put on notice before the order of repatriation was passed. He states that his work in the second respondent

department was appreciated by one and all and that the impugned order was passed with an ulterior motive. Reference is made to certain official

memoranda issued by the DoP&T.

3. Today, we heard Mr. Sanjay Chhabra, learned counsel for the applicant and Mr. S.B. Upadhyay and Mr. Satish Kumar, learned counsel for the

respondents.

4. The applicant was appointed as Deputy General Manager in the second respondent organization on deputation basis, vide order dated 03.12.2019.

The period of deputation was stipulated as three years. In the ordinary course, he is entitled to remain on deputation till 03.12.2020. However, almost

on completion of two years, he was repatriated before the expiry of the term of deputation through the impugned order dated 08.04.2021.

5. It is true that there is a legitimate expectation for the applicant to remain in the service of the second respondent at least for a period of three years.

However, by its very nature, deputation is liable to be terminated even before the completion of the term at the instance of either of three stake

holders, namely, the employee concerned, the borrowing department and the lending department. The continuation on deputation of any employee

would depend upon the satisfaction of the borrowing department. If they are not satisfied with the work of the employee on deputation, for whatever

reason, the law permits them to repatriate him. No prejudice would be caused to an employee on account of the premature repatriation.

6. Reliance is placed upon the judgment of Honâ??ble Supreme Court in Civil Appeal No.6332/2005 in *UOI v V.V. Ramakrishnan* (2005) 8 SCC

394 and the Order passed by this Tribunal in OA No.4500/2014 (*Rajeev Ranjan v.UOI*). The observations made by the Honâ??ble Supreme Court in

the judgment are in the cases where no stipulation exists for premature repatriation. In the instant case, such a clause does exist. Similarly, the order

passed by this Tribunal in OA.No.4500/2014, does not apply to the facts of this case.

7. The OMs issued in this behalf provide for issuance of one monthâ??s notice or salary in lieu of one month to an employee, who is repatriated

before expiry of the term of deputation. Since that condition is not fulfilled, necessary relief needs to be granted in that behalf.

8. We, therefore, dispose of this OA declining to interfere with the impugned order, but directing that the respondents shall be under obligation to pay

one monthâ??s salary to the applicant within one week from the date of receipt of a copy of this order.

9. Though an issue of jurisdiction is raised, we do not deal with same in detail, having regard to the nature of disposal given in the OA. We also direct

that the premature repatriation of the applicant shall not be treated as a reflection upon his career, for any reason whatsoever. There shall be no order as to costs.