

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2191 of 2016**

1. Union Of India Through Its Secretary, Department Of Tele-Communication, Ministry Of Communication & I T, Government Of India, Sanchar Bhawan, 20 Ashoka Road, New Delhi- 1
2. The Under Secretary, Ministry Of Communications & I T, Department Of Tele Communications, Government Of India, Sanchar Bhawan, 20 Ashoka Road, New Delhi- 1
3. Bharat Sanchar Nigam Limited, 4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi- 110001, Through Its Chairman- Cum- Managing Director.

---- Petitioners**Versus**

1. S. D. Bind S/o Shri Shiv Bhushan, Aged About 54 Years R/o Sai Nagar, Post Office Krishak Nagar, Jaura, Raipur, (Chhattisgarh) 492001. Presently Working As Deputy Director General (D D G) In The Telecom Enforcement And Resource Monitoring (T E R M) A- 2, Raipur (Chhattisgarh)

---- Respondent

For Petitioners:	Shri Narendra Kumar Vyas, Assistant Solicitor General of India
For Respondent:	Shri N. Naha Roy, Advocate

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board**Per Pritinker Diwaker, J****19/09/2016**

1. Challenge in this petition is to the order dated 23.7.2015 passed by the Central Administrative Tribunal in Original Application No.200/01018/2014 quashing the order dated 8.12.2014 passed by the petitioners deploying the respondent to Bharat Sanchar Nigam Limited (BSNL) from his parent department i.e. Department of Telecommunication (DOT)

2. From the facts it emerges that in the year 1986 the respondent was appointed as "Class-A ITS Officer" in DOT, however, subsequent to formation of BSNL, he was sent to BSNL on deemed deputation. On 28.11.2011 the respondent was repatriated to his parent department i.e. DOT, where he joined on 5.12.2011. In the meantime, the issue of deemed deputation was finally decided by the Delhi High Court vide order dated 17.4.2012 with certain directives. However, despite the fact that the respondent was already repatriated to his parent department prior to passing of the order dated 17.4.2012 and that no option was given by the respondent to work with BSNL, the petitioners vide order dated 8.12.2014 again deployed the respondent in the BSNL. The order dated 8.12.2014 was assailed by the respondent before the Central Administrative Tribunal by filing Original Application No.200/01018/2014 and the same was allowed by the Tribunal vide order dated 23.7.2015 quashing the order dated 8.12.2014. It is this order which has been assailed by the petitioners in this writ petition.
3. Counsel for the petitioners submits that while passing the impugned order, the Tribunal has not considered the main points raised by the petitioners in their return regarding cabinet decision dated 13.2.2013. He further submits that though the said cabinet decision was not produced before the Tribunal but it was very-well pleaded in the return. He also submits that cabinet decision stipulates the protection of service conditions of the respondent and therefore even if he is being deployed for the temporary period in BSNL, he is not going to suffer any irreparable loss. He submits that the petitioners may be permitted to withdraw this petition with liberty to file a review petition before the Tribunal.

4. Counsel for the respondent submits that he has no objection if the petitioners are permitted to withdraw this writ petition and file review petition before the Tribunal. He however submits that whatever points were raised by the petitioners in their return before the Tribunal and the arguments advanced by them, all of them were considered by the tribunal and thereafter only the impugned order has been passed.
5. Be that as it may, considering the facts and circumstances of the case, the petitioners are permitted to withdraw this petition with liberty to file review petition before the Tribunal.
6. Accordingly, the petition is dismissed as withdrawn with the liberty as prayed for.
7. It is made clear that this Court has observed nothing on merits of the case and the Tribunal would be at liberty to act in accordance with law.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(C.B. Bajpai)
Judge

roshan