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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6304/2017**

SHLOK BHARDWAJ

..... Petitioner

Through: Mr.Medhanshu Tripathi & Mr.Harish
Sharma, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr.Dev P. Bhardwaj, CGSC with
Mr.Surender Kumar, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **26.07.2017**

CM No.26119/2017

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 6304/2017

The petitioner filed the present writ petition to assail the order dated 13.06.2017, as well as order dated 17.07.2017, passed by the Central Administrative Tribunal, Principal Bench, New Delhi in OA No.100/2114/2017. By the impugned orders, the petitioner's prayer seeking interim stay of his repatriation to his parent department was rejected by the Tribunal. On 20.05.2015, the DOP&T recommended

for Central Deputation in respect of the petitioner. He was selected for appointment in the Department of Agriculture & Cooperation, Delhi under the Central Staffing Scheme. The petitioner states that the appointment by way of deputation, was for 5 years from the taking over of the charge of the post. He submits that on 26.05.2017, the petitioner was informed that the ACC has approved the proposal of the Department of Agriculture, Cooperation & Farmers' Welfare for his premature repatriation to his parent cadre with extended cooling-off condition and making him eligible for another Central Deputation only after 16.06.2023.

The petitioner admittedly preferred the original application only on 12.06.2017 i.e. after nearly 17 days of being served with the impugned repatriation order. It is evident that on the same day i.e. 12.06.2017, the relieving order was served upon him. When the case was taken up for preliminary hearing by the Tribunal on 13.06.2017, the aforesaid position was brought to the notice of the Tribunal and consequently, the Tribunal did not grant stay of the impugned order dated 26.05.2017, since he had already been relieved on 12.06.2017 i.e. the previous date.

The petitioner then amended the original application and once again sought stay of the repatriation and relieving order. The said fresh application was also rejected by the Tribunal vide its order dated 17.07.2017. Counsel for the petitioner submits that under the Central Staffing Scheme, deputation is meant for a period of five years and,

therefore, he could not have been repatriated earlier. In our view, the said aspect of repatriation is under consideration before the Tribunal and the petitioner cannot raise the same issue before us in these proceedings, when his original application is still pending consideration. Even otherwise, we are of the view that since the petitioner was aware of the repatriation order passed on 26.05.2017, it was open to him to approach the Tribunal before his being relieved. Pertinently, he made representations on 30.05.2017, 01.06.2017 and 02.06.2017, but chose not to approach the Tribunal till he was served with the relieving order dated 12.06.2017.

That being the position, in our view, the Tribunal rightly did not grant any interim relief in the present case. Even otherwise, the interim stay which is in the nature of final relief would not be called for, in the facts of the present case.

The writ petition is devoid of merit and the same is hereby dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

JULY 26, 2017

gm