

**22.
15.11.2021.
Ct. No. 11.
F.B.**

**FMA 633 of 2021
with
IA No. CAN 1 of 2021**

(Via Video Conference)

**Subrata Roy
-Vs.-
Union of India & Ors.**

**Mr. Soumya Majumder,
Mr. Victor Chatterjee
..... For the Appellant.**

**Ms. Rajashree V. Kundalia,
Mr. Sunny Nandy
.....For the Respondent
Nos. 1 & 4.**

**Mr. Rahul Karmakar
..... For the Respondent
Nos. 2 & 3.**

Party/Parties is/are represented in the order of
their appearance as printed above in the cause title.

The appellant is aggrieved by his summery
reversion to his parent cadre, which is the Indian Air
Force (IAF) from his post of Director (Technology &
Technical) in the National Jute Board (NJB).

The appellant, represented by Mr. Majumder,
Learned Counsel, submits that the only ground for

reverting him prior to completion of his tenure of deputation from the IAF to the NJB is *unsuitability* for continuing in the post of Director. The appellant submits that at the least, he is entitled to reasons for declaration of his *unsuitability*.

On behalf of the NJB, Mr. Karmakar, Learned Counsel, appears and submits that the only requirement for reversion of a deputationist to his parent cadre is three months notice with pay, which has been done in this case. The expression used while reverting the appellant to his parent cadre is that he is *not suitable* and it is within the competence of his employing authority on deputation, i.e. the NJB, to effect the reversion on the ground of being *not suitable*.

Mr. Karmakar submits that it would be clear from the manner in which the appellant has been reverted that it is non-stigmatic.

However, such position is disputed by Mr. Majumder. Mr. Majumder submits that expression *unsuitability* carries with it a stigma. The appellant is therefore entitled to reasons which he is entitled to answer considering that he was selected by conducting a regular appointment exercise based on a public advertisement.

Having heard the parties and considering the materials placed, this Court finds that the appellant already stands reverted to his parent cadre. The reversion to his parent cadre has not carried any prejudice to him so far connected to his post, pay and allowances.

There is therefore no reason that the deputationist post of Director (Technology & Technical) in the NJB shall be kept vacant pending disposal of this *lis*.

Accordingly, although the appeal will be heard by permitting the parties to exchange their stand on affidavits, the NJB with the concerned Department/Ministry shall be free to recruit and/or appoint to the post of Director (Technology & Technical).

Steps taken, however, shall abide by the result of this appeal.

Let affidavit-in-opposition be filed within a period of four weeks from this date; reply, within two weeks thereafter.

Liberty to mention **strictly** upon notice to each other after the period granted to exchange affidavits is complete.

Affidavit-of-service filed in Court today be retained with the record.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

(Kesang Doma Bhutia, J.) (Subrata Talukdar, J.)