

**(2011) 03 GUJ CK 0129**

**In the Gujarat High Court**

**Case No :** Special Civil Application No. 3731 of 2011

Ashokkumar Ratilal Patel

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

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**Date of Decision :** 23-03-2011

**Acts Referred:**

**Citation :** (2011) 03 GUJ CK 0129

**Hon'ble Judges :** V.M. Sahai, J;G.B. Shah, J

**Bench :** Division Bench

**Advocate :** S.P. Majmudar and P.P. Majmudar, for the Appellant;

**Final Decision :** Dismissed

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## **Judgement**

V.M. Sahai, J.—The Petitioner is working as Director in North Gujarat University. The post of Director in All India Council for Technical Education was advertised. The Petitioner applied for the post. He was selected by the Respondents and he was offered appointment on deputation by Respondent No. 2. Terms and conditions for deputation at item No. 3 provided that it shall be option of the Petitioner either to get pay fixed in the deputation post under normal rules or to draw the pay of the post held by him in his parent department plus deputation allowance. The Petitioner accepted this offer of the Respondents made on 15th February, 2010 by his letter dated 20th February, 2010. Thereafter, by another letter dated 11th March, 2010, the Respondent has informed the Petitioner that the deputation from higher post to lower post was not permissible under Rules and therefore, the offer letter dated 15th February, 2010 issued to him stands withdrawn with immediate effect.

2. Learned Counsel for the Petitioner has urged that the Respondents have made the offer and he had accepted the offer. Therefore, a concluded contract had come into existence. We are not inclined to accept this submission for the reason that the Petitioner was offered the appointment on deputation. It is open to the Respondents to take a person on deputation or not to take him. No doubt, the

terms and condition No. 3 states that the Petitioner can claim his pay which he was getting in the parent department as well as deputation allowance. But it appears that subsequently, realising that pay of parent department on the post of Director could not be paid by them as the Petitioner was getting higher pay as Director in the University, therefore, they have withdrawn the offer of deputation. The Petitioner, who was selected on deputation has no right to claim that he is entitled to the post of Director advertised by the Respondent No. 2 and compel the Respondent to take him on deputation.

3. Learned Counsel for the Petitioner further urged that other persons who are getting higher pay scale in their parent department were working with the Respondent No. 2 on the same pay scale which they were getting in their parent department and they are also getting deputation allowance. But he has not filed any material on record to establish this fact. Merely because he has given some names in the petition, would not help him.

4. For the aforesaid reasons, we do not find any merits in this petition. This Special Civil Application fails and is accordingly dismissed summarily.