

**(2012) 02 CHH CK 0016**  
**In the Chhattisgarh High Court**  
**Case No : Writ Petition S No. 5472 of 2006**

Atmaram Ledwani

APPELLANT

Vs

State of Chhattisgarh and Others

RESPONDENT

**Date of Decision :** 27-02-2012

**Acts Referred:**

**Citation :** (2012) 02 CHH CK 0016

**Hon'ble Judges :** Satish K. Agnihotri, J

**Bench :** Division Bench

**Final Decision :** Dismissed

## Judgement

Satish K Agnihotri, J.—By this petition, the petitioner seeks quashing of the order dated 19.07.2006 (Annexure P/4) whereby the petitioner working as Driver in Transport Department, on deputation, has been repatriated back to his parent department i.e. Chhattisgarh Infrastructure Development Corporation (for short 'the CIDC') and to allow the petitioner to continue on deputation in the transport department in pursuance of the order dated 20.10.2004 (Annexure P/2).

2. The facts, in brief, as projected by the petitioner are that the petitioner was selected for the post of Driver by the Divisional Selection Committee, Raipur in the services of erstwhile Madhya Pradesh State Road Transport Corporation, Raipur vide order dated 23.03.1984. After carving out of the State of Chhattisgarh from the erstwhile state of Madhya Pradesh under the provisions of Madhya Pradesh State Reorganization Act, 2000, the services of the petitioner were allocated to the State of Chhattisgarh. Later on, the State Road Transport Corporation of the state of Chhattisgarh was abolished in the year 2003, however, the services of the petitioner was accommodated in CIDC. Thereafter, his services was transferred to the transport department by order dated 20.10.2004 (Annexure P/4) on deputation basis. All of a sudden, the Deputy Transport Commissioner, Chhattisgarh Raipur, repatriated back the services of the petitioner to the CIDC vide the impugned order dated 19.07.2006.

3. Shri Dubey, learned counsel appearing for the petitioner submits that after passing of the impugned order dated 19.07.2006 (Annexure P/3), the petitioner gave his joining before the respondent No. 2 on 28.07.2006. However, the respondent No. 2 is not paying the salary to the petitioner nor is being entrusted any work. Shri Dubey further submits that the petitioner has been repatriated back to CIDC as the petitioner had made certain complaints regarding irregularities in the transport department. Shri Dubey further submits that it has been the policy of the State not to repatriate the employees of the CIDC sent on deputation to various departments, which is evident from the communication dated 29.07.2003 (Annexure P/9).

4. It is further contended by Shri Dubey that in the order dated 20.10.2004 (Annexure P/2), issued by the Managing Director, CIDC, it has specifically been mentioned that the general deputation rules would not be applicable in case of the petitioner and the conditions regarding his deputation shall be issued separately.

5. On the other hand, Shri Sao, learned counsel appearing for the State/respondent No. 1 and 3 submits that the petitioner was pressurizing the authorities to post him as driver in the Flying Squad, as is evident from the letter dated 28.06.2006 (Annexure R/1-1). It is further submitted that while the petitioner was posted with Flying Squad, Korba, the Incharge of the Flying Squad was highly dissatisfied with the conduct of the petitioner wherein it has been alleged that the petitioner has done such acts which resulted into loss of revenue to the transport department. The petitioner was sent on deputation to the transport department on 20.10.2004 and was repatriated back to the CIDC on 19.07.2006 on administrative grounds and on the grounds, as aforesaid. Thus, there is no illegality or infirmity in the impugned order warranting interference.

6. On the other hand, Shri Tiwari, in addition to the above, submits that so far as allegation of non-payment of salary to the petitioner is concerned, the same is incorrect. The salary of the petitioner for the period from 09.10.2006 to 05.12.2006 was to be paid by the Divisional Manager, CIDC, Bilaspur and instructions in this regard was issued on 25.01.2007 (Annexure R/2-1).

7. The petitioner by order dated 20.10.2004 (Annexure P-2) was sent on deputation to the transport department, wherein, it was stated that the deputation rules will not be applicable, however, it was nowhere stated that lien of the petitioner in respondent No.2 would come to an end. The services of the petitioner was repatriated back to the respondent No.2 vide order dated 22.07.2006 (Annexure P- 5). The petitioner has spent almost two years of service and it is not the case of the petitioner that before completion of the prescribed period on deputation, the services of the petitioner have been repatriated back to the parent department. It is an admitted case of the petitioner that services of the petitioner was never absorbed by the transport department. Thus, for want of absorption in the transport department, it cannot be held that the petitioner was an employee of the transport department on

account of the fact that in the deputation, it was stated that general condition of deputation will not be applicable as what was observed in the order passed by the parent department i.e. respondent No.2. The transport department has not absorbed the petitioner in its department.

8. Reliance of the petitioner on a letter dated 29.07.2003 (Annexure P-9), wherein, the Chief Secretary has written to the transport department that the employees sent on deputation should not be sent back to the parent department. This does not confer any right on the petitioner to claim absorption in the transport department.

9. In view of the above, the petition is devoid of merit and is accordingly dismissed.