
(2008) 03 MP CK 0022
In the Madhya Pradesh High Court

C.R. Gaur

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 31-03-2008

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2008) 118 FLR 187 : (2008) ILR (MP) 15 : (2008) 3 MPHT 24

Hon'ble Judges : A.K. Patnaik, C.J.; Shantanu Kemkar, J

Bench : Division Bench

Final Decision : Allowed

Judgement

A.K. Patnaik, C.J.—This is an appeal against the order dated 14-2-2008 passed by the learned Single Judge in W.P. No. 1854/2008 (s) filed u/s 2 (1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005.

2. The facts briefly are that the appellant belongs to the services of Farmers' Welfare and Agriculture Development Department. He was posted on deputation in the M.P. Rajya Krishi Vipnan Board by order dated 27-4-2006 for a period of one year. Thereafter, the period of deputation was extended for a period of one year upto 26-4-2008 vide order dated 2-8-2007, but by order dated 11-1-2008 he was repatriated to his parent Department, namely Farmers' Welfare and Agriculture Development Department.

3. Aggrieved, the appellant filed Writ Petition No. 1854/2008 (s) under Article 226 of the Constitution of India and the learned Single Judge relying on the judgment dated 2-7-2007 of the Division Bench of this Court in the case of Anil Kumar Nanda v. State of M.P. and Ors. in W.A. No. 802/2007, held that the appellant has no enforceable right in his favour to continue on deputation.

4. Mr. R.K. Tiwari, learned Counsel appearing for the appellant submitted that in a recent decision of the Apex Court in Union of India (UOI) through Govt. of Pondicherry and Another Vs. V. Ramakrishnan and Others, , the Apex Court has

taken a view that when the tenure of deputation is specified, despite a deputationist not having an indefeasible right to hold the said post, ordinarily the term of deputation should not be curtailed except on such just grounds as, for example, unsuitability or unsatisfactory performance. He submitted that in the present case, the period of deputation was extended upto 26-4-2008 and hence the appellant should have been allowed to continue on deputation till 26-4-2008.

5. We have perused the impugned order dated 11-1-2008 and we find that by the said order, the appellant has been repatriated to his parent organization because his service was no longer required in the organization in which he was sent on deputation. In the judgment in *Union of India and Anr. v. V. Ramakrishnan and Ors.* (supra), the Apex Court has held that ordinarily the term of deputation should not be curtailed except on such just grounds as for example unsuitability or unsatisfactory performance of the deputationist. The examples given by the Apex Court are not exhaustive of just grounds which can constitute exceptions for curtailment of the tenure of deputation. Obviously, if the service of deputationist is not required by the organization in which the deputationist has been posted, that organization may legitimately ask for the curtailing the tenure of the deputationist in its organization.

6. That apart, admittedly, the term of deputation of the appellant has been extended for a period of one year w.e.f. 26-4-2007 by order dated 2-8-2007. The said period of one year for which extension was allowed on deputation expires on 26-4-2008 and only a few days are left for expiry of the said extended period of deputation and for this reason also, we are not inclined to interfere in the order of repatriation.

7. In the result, we do not find any merit in this writ appeal and we accordingly dismiss the same.