

(1999) 05 AHC CK 0195

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 21570 of 1999

Hari Om Tripathi

APPELLANT

Vs

Nideshak, Rajya Nagar Vikas Adhikaran and another

RESPONDENT

Date of Decision : 24-05-1999

Acts Referred:

Citation : (1999) 3 AWC 2414 : (1999) 2 UPLBEC 1405

Hon'ble Judges : D.K. Seth, J

Bench : Single Bench

Advocate : A.K. Singh and Yashpal Chaturvedi, for the Appellant;

Final Decision : Dismissed

Judgement

D.K. Seth, J.—The petitioner was sent on deputation for a period of one year by order dated 28.7.1998. By order dated 9.3.1999, he was reverted to his original department.

2. Mr. A.K. Singh, learned counsel for the petitioner contends that since the deputation was for a fixed term, the said term could not be curtailed and the petitioner could not be asked to Join his parent department during the period of deputation. In support of his contention, Mr. Singh has relied on the Full Bench decision of the Punjab and Haryana High Court in the case of Dr. Bhagwat Singh v. Chancellor. Punjab University and others 1981 LIC 1057. Relying on the said decision, he contends that the period of deputation cannot be curtailed.

3. I have heard learned counsel for the petitioner Shri A.K. Singh at length.

4. In the present case, the petitioner was sent on deputation for a period of one year while he had been holding the lien in the original department. Person on deputation have right to hold any post only his parent employer lent his services to other organisation where he is sent on deputation. In case the borrower organisation feels that it is not necessary to continue him on deputation, then they may revert him to his parent department. As soon the deputation ceases,

the person on deputation comes back to his parent department where he has lien to his post, even if the period is cut-short. Therefore, the person cannot claim any right on the deputation post. The decision-cited by Mr. Singh in the case of Dr. Bhagwat Singh (supra), is not attracted to the present case for the simple reason that in the said Full Bench decision, the petitioner therein was appointed for a period of three years as Vice-Chancellor. The Full Bench had taken a view that in order to save the University from the Administrative interference by the Government and the politicians, the term of the Vice-Chancellor was provided in the Act itself minimum as three years and maximum as five years, therefore, the same could not have been cut short below three years. In the said case, the appointment was for three years. Therefore, it was not a case of deputation even if the petitioner therein had carried his lien in the original post of Professor or Lecturer whatever may be. If the period of appointment of Vice-Chancellor is for a period of three years and if the person appointed on the post of Vice-chancellor had completed his three years service, in that event, he is supposed to go back to his original post. The same cannot be equated with that of deputation. Inasmuch a deputation is made almost on identical or same post or equivalent thereof. But the post of Vice-Chancellor cannot be equated with any other post. A person is appointed as Vice-Chancellor from any post, he cannot be said to be on deputation. Thus, the decision cited by Mr. Singh cannot be attracted in the present case.

5. For all these. I am unable to agree with the contention of Mr. Singh, learned counsel for the petitioner who argued well.

6. In the result, the writ petition fails and is accordingly dismissed. However, there will be no order as to cost.