
(2022) 08 DEL CK 0076

In the Delhi High Court

Case No : Civil Writ Petition No. 12004 Of 2022

Kuldeep Singh And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 18-08-2022

Acts Referred:

Citation : (2022) 08 DEL CK 0076

Hon'ble Judges : Suresh Kumar Kait, J;Saurabh Banerjee, J

Bench : Division Bench

Advocate : Ankur Chhibber, Anshuman Mehrotra, M.S. Tiwari, Rajesh Gogna, Priya Singh, Avnish Ahlawat, Nitesh Kr. Singh, Laavanya Kaushik, Aliza Alam

Final Decision : Disposed Of

Judgement

CM APPL. 35835/2022 (for exemption)

1. Allowed, subject to all just exceptions.
2. Application is accordingly disposed of.

W.P.(C) 12004/2022 & CM APPL. 35834/2022 (for stay)

3. By way of the present petition, petitioners seek the following reliefs:-

"(i) Issue of Writ of Certiorari for quashing of the order dated 05.08.2022 to the extent whereby the respondents have included the names of the petitioners amongst the officers whose deputation in Delhi Police have been prematurely reversed and cancelled; and

(ii) Issue of Writ of Mandamus directing the respondents to allow the petitioners to continue at their deputed organization, i.e. Delhi Police for a minimum of at least the approved tenure, i.e. 03 years, keeping in view their special family circumstances, in terms of the OM dated 17.06.2010 issued by the DoPT as well the judgment dated 07.10.2005 passed by the Hon'ble Apex Court in case of Union of India and Ors. v V.Ramakrishnan; and..."

4. Learned counsel appearing for the petitioners has drawn attention of this Court to Clause 9 of the Office Memorandum bearing no. 6/8/2009-Estt. (Pay II) dated 17.06.2010 wherein it is stated as under:-

"Premature reversion of deputationist to parent cadre.

Normally, when an employee is appointed on deputation/foreign service, his services are placed at the disposal of the parent Ministry/ Department at the end of the tenure. However, as and When a situation arises for premature reversion to the parent cadre of the deputationist, his services could be so returned after giving an advance notice of at least three months to the lending Ministry/ Department and the employee concerned."

5. As per the averment made in the present petition, Clause 9 mentioned above has not been complied with.

6. Accordingly, we hereby dispose of the present petition by directing the respondents to issue advance notice in terms of Clause 9 above.

7. However till then, the petitioners shall continue to operate at their deputed place(s) of posting.

8. Petition is accordingly disposed of alongwith the pending application.