
(2003) 01 AHC CK 0185
In the Allahabad High Court
Case No : C.M.W.P. No. 44 of 2003

Munendra Pratap Singh

APPELLANT

Vs

Deputy Commissioner, Trade Tax and Others

RESPONDENT

Date of Decision : 06-01-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 5 AWC 3909

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : Rajiv Sharma, for the Appellant;

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—Petitioner, who is a Sub-Inspector in civil police, was sent on deputation, by means of present writ petition under Article 226 of the Constitution of India, has challenged the order dated 25th July, 2002, copy whereof has been annexed as Annexure-2 to the writ petition, whereby he has been repatriated to his parent department.

2. Heard learned Counsel appearing on behalf of the Petitioner and the learned standing counsel representing the Respondents.

3. Learned Counsel for the Petitioner has relied upon a G.O. dated 27th September, 2002, issued by the State Government, Annexure-4 to the writ petition, whereby the State Government has directed the Deputy Inspector General of Police (Establishment), Police Head Quarters, Allahabad, that the State Government has already taken a decision to extend the deputation of such police personnel till the final decision regarding the continuance or otherwise of the deputation is taken. A perusal of the aforesaid G.O. reveals that list of such police personnel are annexed, but in the present writ petition, there is no list annexed. Learned Counsel for the Petitioner in paragraph 9 of the writ petition has stated, which reads thus:

That the finance department of the State Government has granted approval for two years extension of the Petitioner in the Trade Tax Department on 14th November, 2002.

4. The Petitioner further stated in paragraph 10 of the writ petition, which reads as under:

That this order of extension probably has not been conveyed to the Respondent No. 1 and in the absence of which the Respondent No. 1 is now not permitting the Petitioner to continue to work on the deputation.

5. Needles to say that the aforesaid order has been passed, according to the statement made in paragraph 9 of the writ petition only on 14th November, 2002 and it is much early and pre-mature stage because the Petitioner should have waited for sometime before rushing up to this Court by means of present petition. Learned Counsel for the Petitioner has further relied upon a decision of the learned single Judge passed in Writ Petition No. 45914 of 2000, decided on 30th October, 2002, wherein learned single Judge has directed as under:

As an interim measure, it is provided that in terms of the Government order dated 25.7.2002, the Petitioner shall not be sent back to the parent department unless a decision has been taken by the State Government.

6. Learned Counsel for the Petitioner has argued that similar interim mandamus be issued in the case of the Petitioner. I am in full agreement with the direction issued by learned single Judge, referred to above, in Writ Petition No. 45914 of 2000, but on the statement and own admission of the Petitioner, no such mandamus can be issued because when he himself has admitted that the State Government has already granted the extension. In these circumstances, in my opinion, this writ petition is premature and is accordingly dismissed. However, the parties shall bear their own costs.