
(2011) 10 AP CK 0016

In the Andhra Pradesh High Court

Case No : Writ Petition No. 32051 of 2011

Niranjan Kumar Choudhary

APPELLANT

Vs

Security Printing and Minting Corporation of India Limited
and others

RESPONDENT

Date of Decision : 13-10-2011

Acts Referred:

Citation : (2012) 1 ALT 523

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : G. Allabaksh, for the Appellant; G. Vidya Sagar for Respondent Nos. 1 and 2 and Sri Ponnamm Ashok for Respondent Nos. 3 and 4, for the Respondent

Final Decision : Dismissed

Judgement

Hon'ble Sri Justice L. Narasimha Reddy

1. The petitioner was initially employed as a Work Manager in the Ordnance Factory Board (for short "the Board"), which is part of Ministry of Defence, Government of India. Thereafter, he reached the stage of Joint General Manager in that organization. In the year 2004, he was deputed for a period of three years to the India Government Mint, which recently came to be corporatised as "Security Printing and Minting Corporation of India", 1st respondent herein. Even while the deputation was in force, the petitioner submitted an application for absorption in the service of the 1st respondent. In response to that, an offer was made by the 1st respondent on 18.03.2009 and the petitioner conveyed his acceptance on 23.03.2009. He has also submitted a technical resignation to his position in the Board. However, the absorption did not take place and through order, dated 15.12.2010, the 1st respondent repatriated the petitioner to his parent Department. The same is challenged in this writ petition.

2. The petitioner contends that while on deputation, he made efforts to get himself permanently absorbed in the service of the 1st respondent and that not

only a counter offer was made to him but also he accepted the said offer. According to him, with the acceptance of the offer, the absorption is deemed to have taken place and that there was no justification for the 1st respondent in repatriating him to the parent organisation. He further submits that he would not be able to occupy an appropriate position in the Board, in the event of his being repatriated.

3. On behalf of the respondents, a counter affidavit is filed. It is stated that though an offer was made for the absorption of the petitioner, it was decided not to absorb him in the service, on finding certain lapses on his part. Across the Bar, it is stated that the petitioner was promoted to the Senior Administrative Grade in the Board i.e., the parent organisation.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. The deputation of the petitioner from the Board to the 1st respondent was for a period of three years. It is no doubt true that the efforts made by the petitioner to get himself absorbed in the service of the 1st respondent have progressed to a substantial extent. Not only a letter of offer was issued, incorporating certain conditions, but also the petitioner had accepted the conditions stipulated by the 1st respondent. By themselves, these two developments do not bring about any absorption as such. It is only when the concerned appointing authority passes an order directing appointment/absorption of the petitioner in the service of the 1st respondent, that such an eventuality could have taken place. The petitioner is not able to assert that such an order was passed.

6. No employee of an organization possesses a right to insist on absorption in the service of another. For that matter, even sending of an employee on deputation is in the discretion of the parent department to spare the services of such employee, and of the borrowing department, to avail the same. When the 1st respondent is not inclined to absorb the petitioner in the service or to continue the deputation, the latter cannot insist that he be continued in the service of the former, in one form or the other.

7. The fear of the petitioner that there may not be any position for him to occupy, on being repatriated is belied with the orders, dated 03.11.2011 passed in the Board, through which the petitioner was elevated to a higher position.

8. This Court does not find any basis to interfere with the impugned order. The writ petition is dismissed. There shall be no order as to costs.