

Subedar Khan Vs. State of U.P. and anr.

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SooperKanoon Citation : sooperkanoon.com/471075

Court : Allahabad

Decided On : Feb-04-2004

Reported in : (2004)2UPLBEC1869

Judge : Vineet Saran, J.

Appeal No. : Civil Misc. Writ Petition No. 3999 of 2004

Appellant : Subedar Khan

Respondent : State of U.P. and anr.

Advocate for Def. : K.R. Sirohi, Adv. and ;S.C.

Advocate for Pet/Ap. : P.S. Mishra, Adv.

Disposition : Petition dismissed

Judgement :

Vineet Saran, J.

1. Heard Sri P.S. Mishra, learned Counsel appearing for the petitioner as well as learned Standing Counsel appearing for the respondent No. 1 and Sri K.R. Sirohi, learned Counsel appearing for respondent No. 2.

2. The petitioner was appointed as Urdu Translator in the year 1996. He was sent on deputation as Junior Engineer to Zila Panchayat, Meerut. Thereafter vide order

dated 15.10.2001 he was attached to the office of Zila Panchayat, Baghpat on deputation for a period of two years which expired on 15.10.2003. It has been contended by the learned Counsel for the petitioner that since respondent No. 2, Additional Chief Officer, Zila Panchayat, Baghpat had recommended to the State Government on 4.8.2003 to extend the period of deputation hence he would have entitled to continue to work on the post of Junior Engineer in the office of respondent No. 2 however, by the impugned order dated 14.11.2003 the respondent No. 2 has directed that since the period of deputation of the petitioner had expired on 15.10.2003, he may hand-over charge and be reverted back to his original post in the Regional Office of the Deputy Director, Panchayat, Meerut. Aggrieved by the aforesaid order the petitioner has filed this writ petition with a prayer for quashing the order dated 14.11.2003 and to direct the respondents not to interfere in the peaceful functioning of the petitioner as Junior Engineer in Zila Panchayat, Baghpat and pay him his salary.

3. Having heard the learned Counsel for the parties and on perusal of record and considering the facts and circumstances of this case, I do not find that the petitioner is entitled to any relief as has been prayed for. Admittedly, the petitioner was on deputation only upto 15.10.2003. He does not acquire any right for continuing on the post where he has been sent on deputation for a fixed period. He would not be entitled to continue merely on the basis that a recommendation has been sent to the State Government. In the absence of there being any specific order extending his period of deputation, he has to revert back to his original post. In my view the impugned order does not suffer from any illegality.

4. This writ petition lacks merit and is accordingly dismissed. No order as to costs.