

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.524 of 2025

Abdul Gaffor,
S/o: Lt. Ali Miah,
R/o: South Ramnagar,
PEC Brick Field, P.O.: Agartala,
P.S.: West Agartala, Dist.: West Tripura,
PIN: 799001, aged about 47 years.

.....Petitioner(s)

Versus

- 1. The State of Tripura,** represented by it's Secretary, Rural Development Department, Govt. of Tripura, P.O.: Secretariat, P.S.: New Capital Complex, Dist.: West Tripura, PIN:799010.
- 2. The District Magistrate and Collector,** West Tripura District, P.O.: Agartala, P.S.: West Agartala, Dist.: West Tripura, PIN: 799001.
- 3. The District Magistrate and Collector,** Khowai District, P.O. & P.S.: Khowai, Dist.: Khowai, PIN: 799201.
- 4. The Block Development Officer,** Mungiakami R.D. Block, P.O. & P.S.: Mungiakami, Dist.: Khowai, PIN: 799205.
- 5. The Secretary,** Industries and Commerce Department, Govt. of Tripura, P.O.: Secretariat, P.S.: New Capital Complex, Dist.: West Tripura, PIN: 799010.
- 6. The Tripura Jute Mills Ltd.,** represented by its Managing Director, Hapania, P.O.: Hapania, P.S.: Amtali, Dist.: West Tripura, PIN: 799014.
- 7. The Managing Director,** Tripura Jute Mills Ltd., Hapania, P.O.: Hapania, P.S.: Amtali, Dist.: West Tripura, PIN: 799014.

----Respondent(s)

For Petitioner(s)	:	Mr. Arijit Bhaumik, Adv. Ms. Ishpa Chakma, Adv.
For Respondent(s)	:	Mr. Mangal Debbarma, Addl. GA
Date of hearing	:	09.02.2026
Date of delivery of Judgment & Order	:	11.02.2026
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This writ petition is filed by the petitioner seeking the following reliefs:

- "(i) Issue notice upon the Respondents.
(ii) Call for the records.**

(iii) Issue Rule calling upon the Respondent to show cause as to why the Petitioner shall not be

repatriated to his parent department i.e. Tripura Jute Mills Ltd. under the Industries and Commerce Department, Govt. of Tripura.

AND

Issue Rule calling upon the Respondent to show cause as to why the representation of the Petitioner dated 03.07.2024 shall not be considered in light of the law relating to maximum period of deputation.

(iv) And after hearing the parties, be pleased to make the Rule absolute.

2. Heard Learned Counsel, Mr. Arijit Bhaumik appearing on behalf of the petitioner. Also heard Learned Addl. GA, Mr. Mangal Debbarma appearing on behalf of the respondents-State.

3. It is the case of the petitioner that he was appointed in the post of Worker under the Tripura Jute Mills Ltd. in the pay scale of Rs.610-12 w.e.f. 16.07.1996 vide Memorandum dated 15.07.1996 (*Annexure-1* to the writ petition). After joining the service, the petitioner discharged his duties unblemished to the satisfaction of the authority. Thereafter, an advertisement dated 29.04.2002 was issued by DM & Collector, West Tripura District for appointment to the post of Group-C and Group-D in various Departments/Organisations on deputation in analogous posts of Mungiakami R.D. Block, West Tripura District upon formal creation of posts by the Rural Development Department, Govt. of Tripura. The petitioner applied against the said advertisement for the post of LDC and vide order dated 31.10.2002, he was appointed as LDC under Mungiakami R.D. Block, West Tripura District on deputation for a period of 2(two) years in the pay scale of Rs.3300-7100 (*Annexure-2* to the writ petition). The deputation was for a period of 2(two) years which could be curtailed at any point of time through repatriation of the incumbent to his parent Department without assigning any reason. After the said appointment on deputation vide order dated 31.10.2002, the petitioner discharged his

duties and responsibility sincerely as LDC of Mungiakami R.D. Block. As per the order of deputation, the period of deputation of the petitioner expired on 13.11.2004 but, after the expiry of the period of deputation, the petitioner was not repatriated to his parent Department by the authority. Rather, the respondent retained the petitioner and vide another order dated 31.12.2005, the period of deputation of the petitioner was further extended by another 2(two) years. It was specifically provided in the order dated 31.12.2005 that the period of deputation of the concerned employees had expired on completion of 2(two) years of service but for smooth functioning of the Mungiakami R.D. Block, the period of deputation of the petitioner along with others mentioned in the order dated 31.12.2005 was extended for a further period of 2(two) years (*Annexure-3* to the writ petition). As per *Annexure-3*, the period of deputation of the petitioner expired on 13.11.2006 and after that no further extension order has been passed by the authority. Even the borrowing Department has not released the petitioner. Thus, the petitioner has been in deputation for a period of 23 years without any repatriation to his parent Department.

In this regard on 03.07.2024 , the petitioner submitted a representation to the authority (*Annexure-4* to the writ petition). In spite of that no action has been taken by the respondent authority which compelled the petitioner to file this writ petition.

4. The State-respondents have contested the case by filing counter affidavit admitting the facts of the case of the petitioner but submitted that the petitioner did not pray for repatriation at any point of time.

5. At the time of hearing, Learned Counsel for the petitioner relied upon one office memorandum dated 17.06.2010 issued by the Ministry of Personnel Public Grievances & Pensions, Department of Personnel & Training (*Annexure-5* to the writ petition) wherein in Clause 8.1, 8.2 and 8.3.1 it has been mentioned as under:

"8.1 The period of deputation/foreign service shall be as per the Recruitment Rules of the ex-cadre post or 3 years in case no tenure regulations exist for the ex-cadre post.

8.2. In case where the period of deputation/foreign service prescribed in the recruitment rules of the ex-cadre post is 3 years or less, the Administrative Ministry/borrowing organisation may grant extension upto the 4th year after obtaining orders of their Secretary (in the Central Government)/Chief Secretary (in the State Government)/equivalent officer (in respect of other cases) and for the fifth year with the approval of the Minister of the borrowing Ministry/Department and in respect of other organisations with the approval of the Minister of the borrowing Ministry/Department with which they are administratively concerned.

8.3.1 The borrowing Ministries/Departments/Organisations may extend the period of deputation upto the fifth year where absolutely necessary in public interest, subject to the following conditions:

(1) The extension would be subject to the prior approval of the lending organisation, the consent of the official concerned and wherever necessary, the approval of the UPSC/ State Public Service Commission and Appointment Committee of Cabinet (ACC).

(i) If the borrowing organisation wishes to retain an officer beyond the prescribed tenure, it shall initiate action for seeking concurrence of lending organisation, individual concerned etc. six months before the date of expiry of tenure. In no case it should retain an official beyond the sanctioned term unless prior approval of the competent authority to grant further extension has been obtained.

(iii) No further extension beyond the fifth year shall be considered."

Relying upon the same, Learned Counsel for the petitioner submitted that as per the Rules, the period of deputation shall be 3(three) years. However, in case of necessity, the administrative/borrowing organization may grant extension upto 4th year after obtaining orders of the Secretary and for 5(five) years with approval of the Minister of the borrowing Department but, no further extension be granted beyond fifth year. It was further submitted that the State also adopted the same rule.

6. Learned Counsel for the petitioner further drawn the attention of this Court to another office memorandum dated 17.02.2016 issued by Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Govt. of India wherein in para No.3, it has been specifically mentioned that the tenure of deputation cannot be extended exceeding 7 years and that too should be done with the approval of the Minister of the concerned borrowing Department. But, here in the case at hand, nothing was done by the Department in this regard. So, according to the Learned Counsel for the petitioner, the respondent authority has illegally retained the petitioner to the concerned Block after elapsing of the period of deputation. Learned Counsel further submitted that the petitioner has become old and feeble by this time, suffering from illness. So, Learned Counsel urged before this Court to consider the case of the petitioner.

7. I have heard both the sides and perused the relevant memorandums.

8. It is the admitted position that the present petitioner joined in the service vide memorandum dated 15.07.1996 and thereafter, he joined as LDC on deputation under the respondent authority at Mungiakami R.D. Block vide order dated 31.10.2002 initially for a period of 2(two) years, which was extended up to 13.11.2006. However, inspite of that, the respondent has not released the petitioner to his parent Department. No such order in this regard has also been issued.

The submission made by Learned Addl. GA for the State-respondents that the petitioner did not apply for repatriation, is not a

sound argument as because it is the duty of the borrowing Department to repatriate the petitioner after expiry of the period of deputation, which they failed to do and then illegally retained him violating the rule.

Thus, it appears to this Court that the respondent authority without any basis, violating the existing rules, has retained the petitioner to the post of his deputation in the interest of public service. Hence, the petitioner needs to be repatriated to this parent Department immediately.

9. In the result, the writ petition filed by the petitioner is hereby allowed. The respondent authority shall consider the representation of the petitioner dated 02.07.2024 (*Annexure-4* to the writ petition) within a period of 1(one) month from the date of passing of this judgment and order and shall arrange for his repatriation to his parent Department accordingly.

With this observation, the present writ petition stands disposed of.

Pending application(s), if any, also stands disposed of.

सत्यमेव जयते

JUDGE

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