GAHC040018722025 2026:GAU-AP:691

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/535/2025

Millo Tali
Son of Shri Millo Halley, permanent resident of Tajang Village, PO and PS Ziro, Lower Subansri District, Arunachal Pradesh 791120

VERSUS

The State of AP and 4 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar 791111

2:The Principal Secretary (Home)
Age: 0
Occupation :
Govt of Arunachal Pradesh
Itanagar 791111

3:The Director General of Police
Age: 0
Occupation :
Arunachal Pradesh
PHQ
Itanagar 791113

4:The Assistant Inspector General (E)
Age: 0
Occupation :
Arunachal Pradesh
PHQ
Itanagar 791113

5:The Assistant Inspector General (I)
Age: 0
Occupation :
Arunachal Pradesh
PHQ

Itanagar 79111

Advocate for the Petitioner : A Timung, Dipanjan Bhuyan,Kuldeep Baishya,K Gogoi

Advocate for the Respondent : GA (AP),

B E F O R E

HON'BLE MR. JUSTICE KARDAK ETE

Date on which judgment is reserved	**:**	**N/A**
Date of pronouncement of judgment	**:**	**27.07.2026**
Whether the pronouncement is of the Operative part of the judgment	**:**	**No**
Whether the full judgment has been Pronounced	**:**	**Yes**

JUDGMENT & ORDER (Oral)

Heard Mr. K. Gogoi, learned counsel for the petitioner. Also heard Mr. S. Tapin, learned Senior Government Advocate for the State respondents.

2. Challenge made in this writ petition is to the speaking order dated 27.09.2024 issued by the Principal Secretary (Home), Government of Arunachal Pradesh, whereby the representation submitted by the petitioner seeking inclusion of his name in the final seniority list of Inspectors (Civil Police) by taking into account his past service rendered as Inspector (GD) in the Border Security Force (BSF) came to be rejected. The petitioner has also put to challenge the order dated 24.02.2023 insofar as it permanently absorbs him in the Arunachal Pradesh Police to the extent against an Ex-Cadre post of Inspector (Civil), as well as the final seniority list dated 13.09.2023 wherein, his

name has not been included therein.

3. The petitioner is presently serving as Inspector (Civil Police) under the Arunachal Pradesh Police and is posted in the Security Cell, Police Headquarters, Itanagar. Prior to his induction into the Arunachal Pradesh Police, the petitioner was selected through the Central Police Organisation (Sub-Inspector) Examination, 2003 conducted by the Staff Selection Commission and was appointed as Sub-Inspector (Direct Entry) in the Border Security Force (BSF) pursuant to letter dated 29.10.2004. The petitioner joined the Border Security Force on 01.01.2005.

4. While serving in the BSF, the petitioner was deputed to the Special Protection Group (SPG) in the year 2010 as Security Officer-II. During the period of such deputation, the Ministry of Home Affairs, Government of India, vide order dated 31.05.2010, promoted 337 Sub-Inspectors to the rank of Inspector (GD), wherein the name of the petitioner also figured. According to the petitioner, though he was then on deputation with the Special Protection Group, he was granted proforma promotion to the rank of Inspector (GD) with effect from 31.05.2010 and, consequent thereto, he was promoted in the Special Protection Group to the rank of Security Officer-I with effect from 21.02.2011. It is stated that his pay was accordingly re-fixed by granting him all consequential financial benefits. Subsequently, in the year 2016, the petitioner was repatriated to his parent department, namely, the Border Security Force, and was attached to the Office of the Minister of State for Home Affairs, Government of India, New Delhi.

5. While serving as Inspector (GD) in the Border Security Force, the petitioner was offered appointment on deputation as Inspector (Civil Police) under the Arunachal Pradesh Police for a period of three years vide offer letter dated

03.10.2018 issued by the Government of Arunachal Pradesh. Pursuant thereto, the competent authority in the Border Security Force relieved the petitioner for joining the Arunachal Pradesh Police, and the petitioner accordingly joined the office of the Director General of Police, Arunachal Pradesh, on 01.12.2018.

6. It is the case of the petitioner that while he was serving on deputation in the Arunachal Pradesh Police, the Police Headquarters recommended his permanent absorption, taking into consideration his experience in the Special Protection Group and VIP Security. Thereafter, a No Objection Certificate was obtained from the Border Security Force, and vide order dated 24.02.2023, the petitioner came to be permanently absorbed in the Arunachal Pradesh Police with effect from the said date as Inspector purportedly against an Ex-Cadre post. Consequent thereto, the petitioner tendered technical resignation from the Border Security Force and was struck off the strength of his parent department with effect from 23.02.2023.

7. The petitioner contends that his deputation to the Arunachal Pradesh Police was made under the 25% quota earmarked for deputation under the Inspector of Police (Group-C Post) Recruitment Rules, 1988, as amended from time to time, and therefore his permanent absorption ought to have been against a regular cadre post and not against an Ex-Cadre post.

8. The petitioner states that the respondent authorities published the final seniority list of Inspectors (Civil Police), Inspectors (IRBn) and Inspectors (AAPBn) vide order dated 13.09.2023, wherein his name was not included notwithstanding his permanent absorption in the Arunachal Pradesh Police. Being aggrieved, the petitioner submitted a representation dated 20.09.2023 requesting the authorities to include his name in the seniority list by taking into account the past service rendered by him in the equivalent post of Inspector

(GD) in the Border Security Force. Since no decision was taken on the said representation, the petitioner approached this Court by filing W.P. (C) No. 168 of 2024.

9. This Court, by order dated 12.04.2024 passed in W.P. (C) No. 168 of 2024, directed the petitioner to submit a fresh representation before the Principal Secretary (Home), Government of Arunachal Pradesh, and further directed the said authority to consider and dispose of the same in accordance with law. Pursuant thereto, the petitioner submitted a fresh representation dated 15.04.2024.

10. Thereafter, the Principal Secretary (Home), Government of Arunachal Pradesh, passed the impugned speaking order dated 27.09.2024 holding, *inter alia*, that the petitioner had been taken on deputation and subsequently absorbed against an Ex-Cadre post and that the Recruitment Rules governing the post of Inspector (Civil Police) did not contain any provision for absorption against the regular cadre. It was further observed that since the petitioner stood absorbed against an Ex-Cadre post, his name could not be included in the seniority list maintained for the regular cadre of Inspectors (Civil Police). Consequently, the representation submitted by the petitioner came to be rejected.

11. The petitioner contends that it was only upon receipt of the impugned speaking order that he became aware that his absorption had been made against an Ex-Cadre post. The petitioner thereafter sought information under the Right to Information Act regarding the existence of such Ex-Cadre post and claims to have been informed that no sanctioned Ex-Cadre post of Inspector (Civil Police) existed in the Arunachal Pradesh Police.

12. The petitioner has further contended that the original offer of appointment dated 03.10.2018 specifically stipulated that he was being appointed on deputation against one of the existing deputation vacancies in the cadre of Inspector (Civil Police). According to him, the respondent authorities are therefore estopped from subsequently treating his appointment as one against an Ex-Cadre post, particularly after he had altered his position by accepting the offer and severing his lien with the Border Security Force.

13. Mr. K. Gogoi, learned counsel for the petitioner, submits that the petitioner had been holding the substantive post of Inspector (GD) in the BSF with effect from 31.05.2010 and that the post of Inspector (GD) in the Border Security Force is equivalent to the post of Inspector (Civil Police) in the Arunachal Pradesh Police. It is therefore contended that upon his permanent absorption in the Arunachal Pradesh Police, his past substantive service in the equivalent post ought to have been taken into consideration while determining his seniority.

14. Learned counsel submits that the action of the respondent authorities in excluding the petitioner's name from the final seniority list dated 13.09.2023 and in rejecting his claim by the speaking order dated 27.09.2024 is arbitrary, discriminatory and contrary to the settled principles governing deputation and permanent absorption in service jurisprudence. It is submitted that once the petitioner had been permanently absorbed in an equivalent post, the respondents could not have deprived him of the benefit of his past substantive service rendered in the Border Security Force.

15. Mr. Gogoi submits that the impugned speaking order proceeds entirely on the erroneous premise that the petitioner had been appointed against an Ex-Cadre post. He submits that the offer of appointment itself clearly stipulated that the petitioner was being appointed against one of the existing deputation

vacancies under the Recruitment Rules. It is contended that the respondents cannot now be permitted to resile from the terms of the offer by contending that the petitioner was serving against an Ex-Cadre post, particularly when the petitioner had acted upon the representation made by the State Government and had tendered technical resignation from his parent department.

16. It is submitted that the Recruitment Rules governing the post of Inspector (Civil Police) contemplate appointment by deputation against the prescribed quota and do not envisage permanent absorption against an Ex-Cadre post. According to the petitioner, once his initial deputation was made against a sanctioned cadre vacancy, the subsequent order absorbing him against an Ex-Cadre post is dehors the Recruitment Rules and is therefore liable to be interfered with.

17. Learned counsel for the petitioner also contends that the impugned action of the respondents is hit by the Doctrine of Promissory Estoppel inasmuch as the petitioner accepted the offer of deputation on the clear representation that he would be appointed against an existing deputation vacancy. Having acted upon such representation and relinquished his substantive position in the Border Security Force, the respondents are estopped from taking a contrary stand to his prejudice.

18. Mr. Gogoi, learned counsel, places reliance upon the decision of the Hon'ble Supreme Court in **S. I. Rooplal & Anr. v. Lt. Governor through Chief Secretary, Delhi & Ors.**, reported in **(2000) 1 SCC 644**, to contend that where a Government servant holding an equivalent post is transferred on deputation and subsequently absorbed in the transferee department, the substantive service rendered by him in the parent department is liable to be counted while determining his seniority in the absorbed post. It is submitted

that the ratio laid down by the Hon'ble Supreme Court squarely applies to the facts of the present case, inasmuch as the petitioner had already been holding the equivalent post of Inspector (GD) in the Border Security Force on a regular basis prior to his permanent absorption in the Arunachal Pradesh Police. The relevant paragraphs of the said judgment is quoted hereinbelow:

> "*15. We will now take up the question whether the appellants are entitled to count their service rendered by them as Sub-Inspector in the BSF for the purpose of their seniority after absorption as Sub-Inspector (Executive) in Delhi Police or not. We have already noticed the fact that it is pursuant to the needs of Delhi Police that these officials were deputed to Delhi Police from the BSF following the procedure laid down in Rule 5(h) of the Rules and subsequently absorbed as contemplated under the said Rules. It is also not in dispute that at some point of time in the BSF, the appellants services were regularised in the post of Sub-Inspector and they were transferred as regularly appointed Sub-Inspectors to Delhi Police Force. Therefore, on being absorbed in an equivalent cadre in the transferred post, we find no reason why these transferred officials should not be permitted to count their service in the parent department. At any rate, this question is not res integra and is squarely covered by the ratio of judgments of this Court is more than one case. Since the earlier Bench of the tribunal relied upon Madhavan s case to give relief to the deputationists, we will first consider the law laid down by this Court in Madhavan s case (supra). This Court in that case while considering a similar question, came to the following conclusion:*
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> *"We may examine the question from a different point of view. There is not much difference between deputation and transfer. Indeed, when a deputationist is permanently absorbed in the CBI, he is under the rules appointed on transfer. In other words, deputation may be regarded as a transfer from one government department to another. It will be against all rules of service jurisprudence, if a government servant holding a particular post is transferred to the same or an equivalent post in another government department, the period of his service in the post before his transfer is not taken into consideration in computing his seniority in the transferred post. The transfer cannot wipe out his length of service in the post from which he has been transferred. It has been observed by this Court that it is a just and by this Court that it is a just and wholesome principle commonly applied where persons from different sources are drafted to serve in a new service that their pre-existing total length of service in the parent department should be respected and presented by taking the same into*

account in determining their ranking in the new service cadre.

17. In law, it is necessary that if the previous service of a transferred official is to be counted for seniority in the transferred post then the two posts should be equivalent. One of the objections raised by the respondents in this case as well as in the earlier case of Antony Mathew is that the post of a Sub-Inspector in the BSF is not equivalent to the post of a Sub-Inspector (Executive) in Delhi Police. This argument is solely based on the fact that the pay-scales of the two posts are not equal. Though the original Bench of the tribunal rejected this argument of the respondent, which was confirmed at the stage of SLP by this Court, this argument found favour with the subsequent Bench of the same tribunal whose order is in appeal before us in these cases. Hence, we will proceed to deal with this argument now. Equivalency of two posts is not judged by the sole fact of equal pay. While determining the equation of twoposts many factors other than Pay will have to be taken into consideration, like the nature of duties, responsibilities, minimum qualification etc. It is so held by this Court as far back as in the year 1968 in the case of Union of India &Anr. v. P.K. Roy & Ors.3. In the said judgment, this Court accepted the factors laid down by the Committee of Chief Secretaries which was constituted for settling the disputes regarding equation of posts arising out of the States Reorganisation Act, 1956. These four factors are: (i) the nature and duties of a post; (ii) the responsibilities and powers exercised by the officer holding a post; the extent of territorial or other charge held as responsibilities discharged; (iii) the minimum qualifications, if any, prescribed for recruitment to the post; and (iv) the salary of the post. It is seen that the salary of a post for the purpose of finding out the equivalency of posts is the last of the criterion. If the earlier three criteria mentioned above are fulfilled then the fact that the salaries of the two posts are different, would not in any way make the post not equivalent . In the instant case, it is not the case of the respondents that the first three criteria mentioned hereinabove are in any manner different between the two posts concerned. Therefore, it should be held that the view taken by the tribunal is the impugned order that the two posts of Sub-Inspector in the BSF and the Sub-Inspector (Executive) in Delhi Police are not equivalent merely on the ground that the two posts did not carry the same pay-scale, is necessarily to be rejected. We are further supported in this view of ours by another judgment of this Court in the case of Vice-Chancellor, L.N. Mithila University v. Dayanand Jha4 wherein at para 8 of the judgment, this Court held: "Learned counsel for the respondent is therefore right in contending that equivalence of the pay-scale is not the only factor in judging whether the post of Principal and that of Reader are equivalent posts. We are inclined to agree with him that the real criterion to adopt is whether they could be regarded of equal status and responsibility. xxx The true criterion for

equivalence is the status and the nature and responsibility of the duties attached to the two posts. xxx".

23. It is clear from the ratio laid down in the above case that any Rule, Regulation or Executive Instruction which has the effect of taking away the service rendered by a deputationist in an equivalent cadre in the parent department while counting his seniority in the deputed post would be violative of Articles 14 and 16 of the Constitution. Hence, liable to be struck down. Since the impugned Memorandum in its entirety does not take away the above right of the deputationists and by striking down the offending part of the Memorandum, as has been prayed in the writ petition, the rights of the appellants could be preserved, we agree with the prayer of the petitioners/appellants and the offending words in the Memorandum "whichever is later" are held to be violative of Articles 14 and 16 of the Constitution, hence, those words are quashed from the text of the impugned Memorandum. Consequently, the right of the petitioners/appellants to count their service from the date of their regular appointment in the post of Sub-Inspector in BSF, while computing their seniority in the cadre of Sub-Inspector (Executive) in the Delhi Police, is restored."

19. The learned counsel for the petitioner prays that the impugned speaking order dated 27.09.2024, the order of absorption dated 24.02.2023 to the extent it absorbs the petitioner against an Ex-Cadre post, and the final seniority list dated 13.09.2023 insofar as it excludes the name of the petitioner, be set aside and appropriate directions may be issued to the respondent authorities to absorb the petitioner against a regular cadre post and to determine his seniority by taking into account the past substantive service rendered by him as Inspector (GD) in the BSF.

20. *Per contra*, Mr. S. Tapin, learned Senior Government Advocate, appearing for the respondent authorities, referring to the affidavit-in-opposition filed on behalf of the respondents, submits that the petitioner's entire claim for inclusion of his name in the seniority list of Inspectors (Civil Police), Arunachal Pradesh Police, proceeds on the assertion that he was absorbed against a regular cadre post of Inspector. However, the records clearly demonstrate that the petitioner

was permanently absorbed only against an isolated Ex-Cadre post created for the said purpose vide order dated 24.02.2023 issued by the Director General of Police, Arunachal Pradesh.

21. Learned Senior Government Advocate submits that the petitioner was initially appointed in the Arunachal Pradesh Police on deputation basis pursuant to the offer letter dated 03.10.2018. The said appointment was purely on deputation for a period of three years and was adjusted against one of the two existing deputation vacancies in the post of Inspector. However, such deputation did not confer upon the petitioner any right to seek absorption against a regular cadre post.

22. It is submitted that at the stage of considering permanent absorption of the petitioner, the matter was examined by the competent authorities. The Department of Administrative Reforms, after considering the Recruitment Rules governing the post of Inspector of Police (Group-C Post), observed that the said Rules did not contain any provision for permanent absorption of deputationists against the regular cadre strength. Accordingly, approval was granted for creation of one isolated Ex-Cadre post of Inspector and the petitioner was permanently absorbed against the said post.

23. Learned Senior Government Advocate submits that the order dated 24.02.2023 issued by the DGP, Arunachal Pradesh, clearly mentions that the petitioner was permanently absorbed as Inspector (Civil Police) against an Ex-Cadre post. Therefore, the subsequent contention of the petitioner that he was not aware of the nature of his absorption is unacceptable.

24. Learned Senior Government Advocate submits that the final seniority list dated 13.09.2023 was issued by the Home Department, Government of

Arunachal Pradesh, after following due procedure. The provisional seniority list was circulated on 06.12.2022 inviting objections and claims from all concerned. However, no objection or claim was submitted by the petitioner within the stipulated period. Therefore, the petitioner cannot now seek interference with the final seniority list.

25. Learned Senior Government Advocate submits that the representation submitted by the petitioner pursuant to the order passed by this Hon'ble Court was duly considered by the competent authority. After consultation with the concerned departments, particularly the Department of Administrative Reforms, it was clarified that the petitioner was absorbed against an Ex-Cadre post and that the Recruitment Rules did not provide for absorption of deputationists in the regular cadre of Inspector (Civil Police). Consequently, the petitioner's claim for fixation of seniority by taking into account his past service in BSF was rejected by a speaking order dated 27.09.2024.

26. Learned Senior Government Advocate submits that the petitioner cannot claim seniority in the regular cadre of Arunachal Pradesh Police on the basis of his earlier service rendered in BSF. Seniority is always determined with reference to the cadre in which an employee is appointed or absorbed. Since the petitioner's absorption was against an Ex-Cadre post, his claim for inclusion in the regular seniority list of Inspectors (Civil Police) is untenable.

27. Learned Senior Government Advocate submits that the speaking order dated 27.09.2024 passed by the Principal Secretary (Home), Government of Arunachal Pradesh, is a reasoned order passed after considering all relevant aspects. The petitioner has failed to establish any violation of his legal or fundamental rights warranting interference by this Court. Learned Senior Government Advocate, therefore, submits that the writ petition deserves to be

dismissed.

28. Rejoining his submissions, Mr. K. Gogoi, learned counsel appearing for the petitioner, submits that the respondents themselves have admitted that the petitioner was initially brought into the Arunachal Pradesh Police against one of the existing deputation vacancies under the applicable Recruitment Rules. According to the learned counsel, the subsequent creation of an Ex-Cadre post at the stage of absorption cannot retrospectively alter the character of the petitioner's original appointment or deprive him of the benefits flowing from his service in the equivalent post of Inspector (GD) in the BSF.

29. Learned counsel submits that the respondents have taken inconsistent stands inasmuch as, while acknowledging that the petitioner was appointed against an existing deputation vacancy, they simultaneously contend that the petitioner was deputed against an Ex-Cadre post. Such contradictory positions, according to the learned counsel, cannot be relied upon to deny the petitioner his legitimate service benefits.

30. Learned counsel submits that the materials on record demonstrate that the petitioner's permanent absorption was not a result of any claim made by him for an Ex-Cadre post, but was a decision taken by the authorities after considering his long experience in the SPC and VIP security. The petitioner, having accepted the decision of the State Government and relinquished his parent cadre in the BSF, cannot subsequently be placed in a disadvantageous position due to the manner in which the authorities chose to structure his absorption.

31. Learned counsel further submits that the reliance placed by the respondents upon the absence of a specific provision for absorption under the Recruitment Rules is misconceived. It is submitted that the respondents, having

exercised their power to permanently absorb the petitioner, cannot deny the consequential benefits attached to such absorption by taking shelter under the very Rules which were considered while processing his case.

32. Learned counsel submits that the petitioner's claim is not based merely on his past service in the Border Security Force, but on the fact that he was holding an equivalent post of Inspector (GD) on a substantive basis before joining the Arunachal Pradesh Police on deputation. Therefore, the petitioner's past service is liable to be considered for the purpose of fixation of seniority upon absorption.

33. Learned counsel further submits that the petitioner was never informed during his induction or during his service in the Arunachal Pradesh Police that he was being dealt with against an isolated Ex-Cadre post. Reference is made to the communication dated 13.05.2024 issued by the Police Headquarters forwarding the petitioner's representation, wherein the department itself expressed uncertainty regarding the petitioner's cadre position and seniority. According to the learned counsel, the same demonstrates that the petitioner's service status was never clearly determined by the authorities.

34. I have considered the submissions advanced by the learned counsel appearing for the parties and have carefully perused the pleadings, documents and materials available on record.

35. The issue which arises for determination in the present writ petition essentially relates to the legality of the action of the respondent authorities in treating the petitioner, who was inducted into the Arunachal Pradesh Police on deputation from the BSF and subsequently permanently absorbed, as having been absorbed against an Ex-Cadre post and consequently denying him

inclusion in the seniority list of Inspectors (Civil Police), Arunachal Pradesh Police, by refusing to take into account his past substantive service rendered as Inspector (GD) in the BSF.

36. The undisputed facts emerging from the record reveal that the petitioner was appointed as Sub-Inspector (Direct Entry) in the BSF pursuant to his selection through the Central Police Organisation (Sub-Inspector) Examination conducted by the Staff Selection Commission. During his service in the Border Security Force, the petitioner was promoted to the rank of Inspector (GD) with effect from 31.05.2010 and thereafter continued to hold the said substantive post.

37. While serving as Inspector (GD) in the BSF, the petitioner was offered appointment as Inspector (Civil Police) under the Arunachal Pradesh Police on deputation basis vide offer letter dated 03.10.2018 issued by the Government of Arunachal Pradesh. The said offer letter specifically provided that the petitioner's appointment would be on deputation for a period of three years and would be adjusted against one of the two existing deputation vacancies in the post of Inspector in Arunachal Pradesh Police.

38. Pursuant thereto, after being relieved from his parent department, the petitioner joined the Arunachal Pradesh Police on 01.12.2018. During the period of such deputation, the Police Headquarters recommended his permanent absorption considering his experience and service rendered in the SPG and VIP Security. After obtaining necessary approval and NOC from the BSF, the petitioner was permanently absorbed in the Arunachal Pradesh Police vide order dated 24.02.2023 as Inspector (Civil Police).

39. From the materials available on record, it is apparent that the petitioner's

initial induction into the Arunachal Pradesh Police was not against any Ex-Cadre post. The offer letter dated 03.10.2018 issued by the Government of Arunachal Pradesh clearly records that the petitioner was appointed on deputation against one of the existing deputation vacancies in the post of Inspector. The respondents have also admitted in their affidavit-in-opposition that the petitioner was initially taken on deputation against an existing deputation vacancy.

40. The subsequent decision of the authorities to permanently absorb the petitioner against an isolated Ex-Cadre post was taken only at the stage of permanent absorption. Such subsequent arrangement, in the opinion of this Court, cannot alter the character of the petitioner's original appointment or extinguish the benefit of the substantive service already rendered by him in an equivalent post in his parent department.

41. The contention of the respondents that the Recruitment Rules governing the post of Inspector (Civil Police) do not contain any provision for permanent absorption and therefore the petitioner cannot claim seniority in the regular cadre, cannot be accepted in view of the fact that the petitioner was inducted into the Arunachal Pradesh Police on deputation against an existing vacancy, his services have been utilized for more than four years, and thereafter he was permanently absorbed by the competent authority. Having accepted his services and permitted him to sever his lien with the BSF, the respondents cannot deny him consequential service benefits by relying upon a subsequent classification made at the stage of absorption.

42. The petitioner had already been holding the substantive post of Inspector (GD) in the BSF before his deputation to the Arunachal Pradesh Police. The equivalence of the post held by the petitioner in the BSF and the post of

Inspector (Civil Police) in the Arunachal Pradesh Police has not been disputed by the respondents. Thus, the principle laid down by the Hon'ble Supreme Court in **S.I. Rooplal** (supra), would squarely apply to the facts of the present case.

43. In **S.I. Rooplal** (supra), the Hon'ble Supreme Court held that where an employee holding an equivalent post in the parent department is transferred on deputation and subsequently absorbed in the transferee department, his past service rendered in the equivalent post is liable to be counted for the purpose of determining seniority. The ratio laid down therein is based on the principle that an employee should not be deprived of his legitimate service benefits merely because he entered another department through the process of deputation.

44. The reliance placed by the respondents on the Ex-Cadre nature of the post cannot, in the opinion of this Court, defeat the petitioner's claim. The Ex-Cadre arrangement was not the basis of his initial appointment and was introduced only while effecting permanent absorption. The respondents cannot take advantage of an administrative arrangement subsequently created by them to deny the petitioner the benefit of his past substantive service.

45. It is also significant that the petitioner was not informed at the time of his deputation that his appointment would subsequently be treated in a manner which would deprive him of cadre seniority. The communication dated 13.05.2024 issued by the Police Headquarters forwarding the petitioner's representation itself reflects uncertainty regarding the petitioner's cadre position and seniority. Such uncertainty arising out of the actions of the respondents cannot operate to the prejudice of the petitioner.

46. The submission of the respondents that the petitioner did not submit any objection to the provisional seniority list also does not advance and support their

case for the reason that the provisional seniority list was published before his absorption. Moreso, the petitioner's grievance is not merely against the seniority list but against the very basis on which he has been excluded from the cadre seniority after his permanent absorption. The petitioner approached the authorities and thereafter this Court within the permissible framework of law.

47. In view of the foregoing discussion, this Court is of the considered opinion that the action of the respondent authorities in excluding the petitioner from the final seniority list of Inspectors (Civil Police), Arunachal Pradesh Police, and rejecting his claim vide speaking order dated 27.09.2024, cannot be sustained.

48. Accordingly, the impugned speaking order dated 27.09.2024 passed by the Principal Secretary (Home), Government of Arunachal Pradesh, is hereby set aside. The final seniority list dated 13.09.2023, insofar as it excludes the name of the petitioner from the seniority list of Inspectors (Civil Police), Arunachal Pradesh Police, is also set aside to that extent.

49. Consequently, the respondent authorities are directed to determine and refix the seniority position of the petitioner in the cadre of Inspector (Civil Police), Arunachal Pradesh Police, by treating his substantive service rendered as Inspector (GD) in the Border Security Force from 31.05.2010 as qualifying service for the purpose of fixation of seniority, subject to verification of other consequential requirements under the applicable service rules. The respondent authorities shall accordingly revise the seniority list of Inspectors (Civil Police), Arunachal Pradesh Police, and extend all consequential service benefits, if any, arising out of such refixation, including consideration of the petitioner's position *vis-à-vis* other similarly situated officers. The aforesaid exercise shall be completed within a period of three months from the date of receipt of a certified copy of this judgment.

50. The writ petition stands allowed and disposed of in terms above. There shall be no order as to cost(s).

JUDGE

Comparing Assistant