

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.20977 of 2025 a/w
CWP No.634 of 2026
Date of Decision : 29.09.2026

CWP No.20977 of 2025

Ramesh Kumar and another		Petitioners
vs.		
Union of India and others		Respondents

CWP No.634 of 2026

Hansraj and another		Petitioners
vs.		
Union of India and others		Respondents

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the Petitioners : Mr. S.D. Gill, Advocate, in both the petitions.

For the Respondents : Mr. Arun Kumar, Advocate for Mr. Lokender Pal Thakur, Senior Panel Counsel, for respondent No.1, in both the petitions.

Mr. K.B. Khajuria and Mr. Pushpinder Kumar,
Advocates, for respondents No.2 to 5.

G.S. Sandhawalia, Chief Justice (Oral)

Challenge in the present writ petitions is to the order dated 31.10.2025 (Annexure P-34), passed by the learned Central Administrative Tribunal, Chandigarh Bench, Shimla, in **O.A. No.63/611/2025**, titled **Ramesh Kumar and another vs. Union of India and others** and **O.A. No.63/608/2025**, titled **Hansraj and another vs.**

Chief General Manager Telecom and others, whereby the Tribunal had not interfered with the deputation orders dated 16.06.2025 and 12.06.2025, respectively (Annexure P-23), passed by the Divisional Engineer, OFC CNTX North, BSNL, Solan, whereby, within the same division, the petitioners had been deputed at OFC Station CN Tx-North, Nahan and CN Tx-North, Baddi, H.P.

2. The learned Tribunal, vide its order of even date 31.10.2025, came to the conclusion that transfer/deployment orders of the officials, at a particular station, were not liable to be interfered with, until and unless they are shown to be vitiated by *mala fides* or in violation of statutory rules.

3. The learned Tribunal has relied upon the judgments in **Gujarat Electricity Board vs. Atmaram Sungomall Poshani, AIR 1989 SC 1433** and **Shilpi Bose vs. State of Bihar, AIR 1991 SC 532**, wherein it was held that transfer or deputation is an incident of service. The Tribunal further noted that this was only a short-term deployment, a purely operational deployment, and there was no basis to infer *mala fides* or arbitrariness, and resultantly did not interfere and accordingly dismissed the original applications, while granting liberty to the petitioners to file a representation to the competent authority regarding the working conditions or duration of the deputation, which shall be considered in accordance with rules and administrative requirements.

4. Counsel has tried to submit that the deputation is bad in law. However, we are of the considered opinion that there is no merit in the

said submission, as apparently deputation is strictly a tripartite agreement involving a transfer to a different department with the consent of all three parties namely, the lending department, the borrowing department, and the employee concerned.

5. In the present case, it is merely an internal deployment to another station within the same division (Solan). Therefore, the observations made by the learned Tribunal that the deployment of the petitioners at different places was purely for operational requirements to get work done as there was a shortage of staff in the divisional office at Solan, warrant no interference.

6. Under such circumstances, we find no valid ground to interfere with the well-reasoned order passed by the learned Tribunal. As regards the prayer of the learned Counsel for granting liberty to make a representation, the said liberty has already been granted by the learned Tribunal. It is always open to the petitioners to avail the liberty already granted by the Tribunal for reconsideration of their deployment, which may be decided by the competent Authority, in accordance with the Rules.

7. With the aforesaid observations, the writ petitions are dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

**(G.S. Sandhawalia)
Chief Justice**

**(Bipin Chander Negi)
Judge**

September 09, 2026 (KS)