

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.20349 of 2015

and

M.P.Nos.1 and 2 of 2015

Dr.P.N.Madan Raj

... Petitioner

Vs.

1. The Director of Public Health
& Preventive Medicine,
No.359, Anna Salai,
DMS Complex, Chennai-6.

2. The Director,
Industrial Safety & Health,
Justice Pratap Singh Palace,
Royapettah, Chennai-14.

.... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, directing the 2nd respondent to call for the records pertaining to the proceedings vide Vu1/30998/2013 dated 29.4.2015 and quash the same consequently direct the 2nd respondent to retain the petitioner in the very same post as he held on 29.4.2015.

For Petitioner : Mr.T.S.N.Prabhakaran

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The petitioner was sent on deputation from the first respondent to the second respondent by an order dated 28.10.2014 of the Director of Medical and Rural Health Service, Chennai, by invoking its power under Rule 110 (4) (i) of the Fundamental Rules. The deputation is for a period of three years. Now, by the impugned order, the petitioner is sought to be reverted back to the parent department viz., he is sent back to the first respondent. The impugned order is questioned in this writ petition on the ground that when the deputation period is for three years, the petitioner could not be reverted back within a period of four months.

2. At this juncture, it is useful to extract Rule 110 (4) (i) of the Fundamental Rules.

"(4) (i) The initial deputation of a Government servant shall be sanctioned for a block period of three years at a stretch. The period of the said deputation shall lapse on the expiry of the said period of three years or on the date of his retirement from service on superannuation or on the date when he is transferred from the services of the foreign employer by the competent authority, whichever is earlier."

3. Under Rule 110 (4) (i) of the Fundamental Rules, the petitioner was sent on deputation for three years. Rule 110 (4) (iii) of the Fundamental Rules gives power to the Government to revert back the Government servants to their parent department within a period of three years. Therefore, I do not find any infirmity in the impugned order. Accordingly, the writ petition is dismissed.

4. At this juncture, the learned counsel for the petitioner has submitted that the first respondent has not given posting order to the petitioner. After reverting back to the parent department, the first respondent cannot delay in issuing the posting order. Hence, the first respondent is directed to issue posting order to the petitioner forthwith.

5. No costs. The connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Jrl
To

1. The Director of Public Health & Preventive Medicine,
No.359, Anna Salai,
DMS Complex, Chennai-6.

2. The Director,
Industrial Safety & Health,
Justice Pratap Singh Palace,
Royapettah, Chennai-14.

+1cc to Mr.T.S.N.Prabhakaran, Advocate, S.R.No.34552

+1cc to the Government Pleader, S.R.No.35039

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SKV(CO)
CA(28/07/2015)