

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 13995 of 2015
Date of decision: 01.09.2015

SAILESH RANJAN
2015.09.04 10:29
I attest to the accuracy and
integrity of this document

Prem Chand & others

....Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.K.G.Chaudhary, Advocate, for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 02.07.2015 (Annexure P1) whereby the petitioners, who are Constables/Head Constables, have been repatriated from deputation from Punjab State Powercom Corporation Ltd. to their units and they were directed to be relieved immediately.

The case of the petitioners is that as per the order impugned, the same is on a complaint basis.

It is settled principle that deputation is a mutual arrangement between three parties. Respondent No.3 has opted to bring that relationship to an end. In such circumstances, the petitioners have no vested right to claim to stay on deputation. The argument that it is on the basis of complaint and it would reflect on the service career, is without any basis. It is only premature to contend that any such enquiry would be conducted and action would be taken. It is also admitted that the petitioners have joined in their parent department. Resultantly, the present writ petition has also become infructuous. Accordingly, this Court would not exercise its discretionary jurisdiction under Article 226 of the Constitution of India.

Accordingly, the present writ petition is dismissed. However, it shall always be open to the petitioners to challenge the enquiry proceedings, if any, are initiated.

01.09.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE