

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.541 of 2015 (O&M)
Date of Decision: April 08, 2015

Dr.Yadwinder Singh Banga

.....Appellant

versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present:Mr.Jaswinder Singh, Advocate, for the appellant.
Mr.Amit Chaudhary, Additional AG, Punjab.

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Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Amit Chaudhary, learned Additional Advocate General, Punjab, accepts notice on behalf of respondent Nos.1 to 2. Respondent No.3-Municipal Corporation is not being served as no order prejudicial to its interest is proposed to be passed.

Let two copies of the paper book be handed-over to the learned State counsel during the course of day.

This letters patent appeal impugns the order dated 27.3.2015 whereby learned Single Judge has dismissed the appellant's writ petition in limine.

The appellant is a Medical Officer. He is aggrieved by the order dated 19.03.2015 passed by the Commissioner, Municipal Corporation, Patiala, repatriating him to his parent department, i.e., Health Department, Government of Punjab. The appellant's case was that since he was sent on deputation by the State Government to the Corporation and is serving as

such since 11.1.2013, he is entitled to continue as such for a period of three years in terms of Rule 10.28 (3) of the Civil Services Rules, Volume-I, Part-I.

Learned Single Judge has dismissed the writ petition observing that there cannot be any deputation without the consent of both the lending and borrowing department, learned counsel for the appellant submits and rightly so that he may be permitted to approach the State Government against the decision of the Corporation, as it would enable him to persuade the Competent Authority in the State Government for his continuation on deputation as per statutory rules, referred to above.

In the light of the above-said prayer, we modify the order dated 27.03.2015 of the learned Single Judge and allow the appellant to withdraw the writ petition with liberty to approach the State Government against the impugned order passed by the Commissioner, Municipal Corporation.

Needless to say that the appellant shall also be at liberty to seek release of arrears of pay by way of above-stated representation. We have no reason to doubt that as and when the appellant represents, the Competent Authority shall consider his claim sympathetically.

With liberty aforementioned, the appeal stands disposed of.

[SURYA KANT]
JUDGE

April 08, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE