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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9840/2016 & CM No. 39188/2016 (stay)
UMESH CHANDER GAUTAM Petitioner
Through: Mr. Sudarshan Rajan & Mr. Arjun
Gadhoke, Advocates
versus
DIRECTOR GENERAL, BORDER SECURITY FORCE & ORS
..... Respondents
Through: Mr. Kirtiman Singh, CGSC along
with Mr. Prateek Dhanda, Mr. Waize
Ali Noor & Mr. Pranav Agrawal,
Advocates

CORAM:
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **24.10.2016**

1. This writ petition is directed against an order dated 05.07.2016 whereby the case of the petitioner for extension of deputation tenure in the Central Bureau of Investigation has been declined.
2. It appears that the petitioner was appointed as a Constable in the Border Security Force. He was promoted to the post of Head Constable. While he was Head Constable, he was sent on deputation to the Central Bureau of Investigation (CBI). While the petitioner was on deputation in CBI, the petitioner was promoted as an Assistant Sub Inspector of Police.
3. It is submitted that the petitioner has been on deputation in the CBI for a period of about five years. The petitioner applied for extension of his deputation beyond five years. According to the petitioner, a decision was taken to allow extension of deputation provided the petitioner gave an

undertaking to forego promotion and to complete the requisite tenure of field duty. However, even though the petitioner gave the requisite undertaking to forego promotion, his request was ultimately turned down on the ground that the petitioner had been promoted to the rank of ASI (GD) under 'NBR' w.e.f. 11.04.2013 while on deputation. He needed to complete two years mandatory field service in service Coy of BSF Duty Battalion which was essential for further promotion.

4. The operative part of the order reads as under:-

“In view of the above, it is requested that above individual may please be repatriated to BSF immediately on completion of valid period of deputation.”

5. The order has not properly been passed. The reasons do not appear to be clear. However, this Court exercising jurisdiction under Article 226 does not sit in appeal over every administrative decision. No vested right of the petitioner has been infringed. The period of deputation of the petitioner is over. The petitioner has no vested right to continuation of his deputation. It is not for this Court exercising its extraordinary jurisdiction under Article 226 of the Constitution of India to sit in appeal over the reasons given for repatriation of an officer of the Border Security Force to his parent department. The writ petition is not entertained and the same is rejected. The pending application is also disposed of.

INDIRA BANERJEE, J

ASHUTOSH KUMAR, J

OCTOBER 24, 2016/rs

W.P.(C) 9840/2016

page 2 of 2