

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5973 of 2016**

1. Alice Masih D/o W.J. Masih, Aged About 34 Years
2. Alsina Masih, W/o Ajay Henri, Aged About 37 Years

Both are R/o C/o Masih Tent House, Tarbahar, Police Station
Tarbahar, Civil And Revenue Distirct Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. State Of Madhya Pradesh Through The Secretary, Health And Family Welfare Department, Satpuda Bhawan Bhopal M.P.
3. The Under Secretary, State Of Chhattisgarh Health And Family Welfare Department, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh
4. CIMS Bilaspur, Through The Dean, CIMS Bilaspur, District Bilaspur Chhattisgarh
5. The Medical Superintendent, C I M S Bilaspur, District Bilaspur Chhattisgarh

---- Respondent

For Petitioner	Mr. CP Lahrey, Advocate
For Respondent/State	Mr. SP Kale, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****11/4/2017**

1. Heard.

2. By order dated 22.8.2013, the petitioners were sent on deputation to the Chattisgarh State of Medical Sciences for a period of 03 years. On completion of the fixed term of deputation, the petitioners have been relieved on 31.8.2016 – Annexure P/1, for joining in their parent department.
3. Learned counsel for the petitioners would submit that the other two employees, sent on deputation on the posts of the petitioners, were retained for greater length of time and the posts, on which, the petitioners were sent on deputation are lying vacant, therefore, the impugned order is illegal and arbitrary.
4. In the matter of **Kunal Nande Vs. Union of India and another, (2000) 5 SCC 362**, it is held by the Supreme Court that a deputationist has no right to hold the post when the order of deputation is for a fixed period and the period has come to an end.
5. In view of the above settled legal position, the writ petition has no substance and it is accordingly dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)