

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.1234 OF 2017

ORDER:

The petitioner prays for Mandamus declaring G.O.Rt.No.1014 Health, Medical & Family Welfare (D1) Department dated 25.11.2016 repatriating the petitioner and deputing 4th respondent to 3rd respondent Corporation, as illegal, arbitrary and unconstitutional.

The averments necessary for disposing of the writ petition are briefly stated thus:

The petitioner is the employee of 1st respondent/department. On 18.07.2014, the petitioner has been deputed to work in 3rd respondent Corporation. The 3rd respondent being satisfied with the quality of work stated to have been discharged by petitioner through letter No.ADMN/EST/PPT/DP/OW1/2016 dated 05.12.2016 requested for continuing the petitioner on deputation in 3rd respondent Corporation. The petitioner refers to G.O.P.No.10 dated 22.01.1993 and G.O.Ms.No.2 dated 02.01.2010 where the Government has provided minimum initial period of three years and subject to the extension of two more years on completion of the initial period. Now, the complaint is repatriating the petitioner even before completion of three year period is illegal, arbitrary and unconstitutional.

On 06.01.2017, this Court granted interim suspension of G.O.Rt.No.1014 Health, Medical & Family Welfare (D1) Department dated 25.11.2016.

The 1st and 2nd respondents filed petition to vacate the interim order. The respondents seriously contend about the maintainability of writ prayer and right of an employee of deputation to insist upon continuation of deputationist according to his convenience. This Court is relieved of taking up the reply and deciding the writ prayer for Mr.T.Srikanth Reddy appearing for petitioner has fairly stated that the grievance in the writ petition is substantially on the repatriation before expiry of three year period to which a deputationist is entitled to and the three year period is completed by 17.07.2017. Extension, according to him, arises altogether in different circumstances and he has not pressed for or made any submissions in this behalf.

With the passage of three year period on which much emphasis is made and successful completion of deputation, this Court is of the view that the challenge to GO Rt impugned fails. No other ground is urged.

The writ petition fails and is, accordingly, dismissed. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, stand closed.

12th September, 2017

Lrkm

S.V.BHATT, J