

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1651 of 2018**

Omprakash Singhare S/o Shri B. L. Singhare, Aged About 50 Years
R/o Street No. 34, Block No. 9/E, Sector 7, Bhilai District Durg
Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Tribal Development, Mahanadi Bhawan Capital Complex Mantralaya Naya Raipur District Raipur Chhattisgarh.
2. Commissioner, Scheduled Caste And Scheduled Tribes Development Department , Indrawati Bhawan Capital Complex Mantralaya Naya Raipur District Raipur Chhattisgarh.
3. Secretary, Department Of Sports And Youth Welfare Raipur District Raipur Chhattisgarh.
4. Assistant Commissioner, Tribal Welfare Development Department Durg District Durg Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/02/2018**

Heard.

1. Grievance of the petitioner is that of his salary as Assistant Grade-III at Durg under the respondent No.2 has been reduced after have been repatriated from the Department of Sports and Youth Welfare where he was sent on deputation.
2. The brief facts of the case is that the petitioner was substantively holding the post of Assistant Grade-III in the office of the respondent No.2 when he applied and was sent on deputation to the post of Sports Officer at Dhamtari under the respondent No.3. On the post on which he was sent on deputation he was drawing salary higher than that what he was otherwise earning as an Assistant Grade-III. After his deputation period getting over and he being sent back to his

parent department under the respondent No.2, he was being paid the salary that of an Assistant Grade-III. According to the petitioner, since during deputation he was getting a higher salary subsequent to his repatriation to his parent department, his salary that he was drawing on deputation should have been protected.

3. On a query being put to the counsel for the petitioner by this Court as to whether the petitioner was not drawing the salary that he would have otherwise received had he not been sent on deputation, the counsel fairly conceded that he was in fact receiving the salary. On a specific query further being put to the learned counsel for the petitioner to show a provision of law or rules or guidelines in this regard, which provides for protection of the salary drawn during deputation even after repatriation to his parent department, but the learned counsel was not able to show any such authority in this regard either statutory or in the nature of an instruction of the Government.
4. It is settled law that the moment an employee sent on deputation stands repatriated to his parent department, the employee would be entitled for salary, perks and other benefits attached to the substantive post and he cannot claim the benefits that he was drawing while on deputation.
5. Under these circumstances, this Court does not find any strong case made out by the petitioner for issuance of notice. As a result, the petition being devoid of merits deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge