

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition No. 28 of 2004**

Smt. Anita Yadu, aged about 46 years, W/o Dr. Neeraj Yadu, Assistant Surgeon Pt. J.N.M. Medical college, Raipur, R/o 2/29, Opposite Govt. Polytechnic Women College, Byron Bazar, Raipur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary Department of Health Family Planning & Medical Education, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh
2. Director, Health Services, State of Chhattisgarh, Raipur (Chhattisgarh)
3. Pt. J.N.M. Medical College Society, Raipur, through its Chairman/Secretary, Raipur (Chhattisgarh)
4. Dean, Pt. J.N.M. Medical College cum Secretary Pt. J.N.M. Medical College Society, Raipur, (Chhattisgarh)
5. Chhattisgarh Public Service Commission through its Secretary Shankar Nagar Road, Raipur, (Chhattisgarh)
6. Registrar, Firms and Societies, State of Chhattisgarh, Raipur (Chhattisgarh)
7. Dr. Jyoti Jaiswal, aged about 29 years, W/o not known, R/o JNM Medical College, Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Jitendra Pali, Advocate
For Respondent/State	:	Shri S. P. Kale, Additional Advocate General
For Respondent no.7	:	Shri B. D. Guru, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05/03/2018**

The present writ petition has been filed challenging the action on the part of respondents in repatriating the petitioner to the parent department i.e.

State Government treating the petitioner to be an employee under contractual engagement whereas the claim of the petitioner is that she was on deputation at Pt. J.N.M. Medical College, Raipur

2. There is no dispute so far as the original appointment of the petitioner with the State Govt. is concerned as an Assistant Surgeon. Even if the contention of the petitioner is accepted that she was sent on deputation to Pt. J.N.M. Medical College, Raipur on 22.05.2001, the period of deputation was till 21.05.2004 and an order of repatriation was passed on 28.05.2004, by efflux of time, the grievance of the petitioner stands redressed. Even accepting the contention of the petitioner of her being a deputationist, she does not have a substantive right to continue on deputation beyond the tenure as was specified in the order sending her on deputation.

3. Thus, by efflux of time the petition has become infructuous. Needless to mention that by virtue of the present petition becoming infructuous, the interim relief granted earlier stands merged with the present final order.

4. The respondent Authorities are directed to promptly pass a suitable order ensuring the repatriation of the petitioner to the State services and also ensuring that the rules as are envisaged under the Fundamental Rules more particularly Rule No.113 dealing with the issue maintaining of lien of Govt. employee sent on deputation. It is expected that respondents 1 & 2 as the case may be, pass a fresh suitable order in respect of the petitioner within a period of 30 days from the date of receipt of certified copy of this order.

5. With the aforesaid observation, the present petition stands dismissed as having become infructuous.

Sd/-
(P. Sam Koshy)
JUDGE