

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
and  
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1761 of 2017  
and C.M.P.No.22335 of 2017

V.V.Manikandan

.... Appellant

-vs-

1.The Central Reserve Police Force  
Represented by its Commandant  
Office of the Commandant - 221 BN  
Greater Noida,  
Uttar Pradesh - 201 306.

2.The Central Bureau of Investigation,  
Anti Corruption Branch,  
Represented by its Superintendent  
Shastri Bhavan, Chennai - 600 006.

..... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.29717 of 2017 dated 21.11.2017.

WP.No.29717 of 2017:Writ Petition filed under article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus calling for the proceedings of the first respondent issued in the proceedings No.D.I.01/2017-221-Ec-1 dated 03.10.2017 and quash the same and consequently direct the respondents to retain the petitioner in service with the second respondent.

For Appellant : Mr.Manoj Sreevalsan

For Respondents: Mr.A.Kumaraguru  
SCGSC

## J U D G M E N T

[Judgment of the Court was delivered by  
K.K. SASIDHARAN, J.]

The appellant was deputed to Central Bureau of Investigation (hereinafter referred to as "CBI") pursuant to his request. The deputation was upto 30 June 2016. The request made by the appellant to extend his deputation for a further period of two years was rejected by the first respondent. Feeling aggrieved, the appellant filed a writ petition in W.P.No.29717 of 2017. The learned single Judge dismissed the writ petition with a finding that extension is not as a matter of right. The said order is under challenge at the instance of the unsuccessful petitioner.

2. The learned counsel for the appellant contended that similarly placed employees were permitted to continue their deputation by the first respondent and same treatment was not meted to the appellant.

3. The factual matrix indicates that the appellant was sent on deputation to CBI mentioning that the period of deputation would come to an end on 30 June 2016. The appellant accepting the terms and conditions deputing him to the CBI joined the said service. It was only during the fag end of the service, he made a request to extend his deputation for a further period of two years. He wanted to continue in CBI upto 30 June 2018.

4. The first respondent was not willing to extend the deputation for a further period of two years. The deputation is not as a matter of right. The request made by the appellant to depute him to the CBI was favourably considered by the first respondent originally making it clear that it would be only for a period of two years. The fact that others were permitted to continue in CBI by way of deputation would not give a right to the appellant to claim that he should also be given extension. It is for the employer to decide as to whether the deputation of an employee should be continued for a further period pursuant to his request.

5. Since the first respondent was not agreeable for extension of deputation, the learned single Judge was perfectly correct in his finding that there is no legal basis to entertain the request made by the appellant.

6. The first respondent, in his counter affidavit dated 25 April 2018 indicated that the appellant joined the Central Reserve Police Force on 2 January 2018 after overstaying 47

days. In any case, we are of the view that the learned Judge was justified in dismissing the writ petition filed by the appellant.

7. In the result, the intra court appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Commandant

The Central Reserve Police Force  
Office of the Commandant - 221 BN  
Greater Noida,  
Uttar Pradesh - 201 306.

2.The Superintendent

The Central Bureau of Investigation,  
Anti Corruption Branch,  
Shastri Bhavan, Chennai - 600 006.

+1 cc to Mr.Manoj Sreevalsan Advocate sr 34612

+1 cc to Mr.A.Kumaraguru Advocate sr 34489

W.A.No.1761 of 2017

gmr(co)  
aa18/06/2018

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