

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos. 20316 & 20317 of 2007 and
M.P.No.1 of 2007

K.Ethiraj ... Petitioner in W.P.20316/2007
R.Jayachandran ... Petitioner in W.P.20317/2007

Vs.

1.The General Secretary
DAKSHINA BARAT HINDI PRACHAR SABHA
Thyagaraya Nagar
Chennai-600 017.

2.Union of India
Rep. by its Secretary
Ministry of Human Resources Development
West Block No.VII, R.K.Puram
New Delhi - 110066.

.... Respondents
(in both Wps)

Common Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records connected with the deputation order Office/5-10/2007-2008/5 & (in WP.20317 of 2007: 5-10/2007-2008/6, dated 21.04.2007) passed by the first respondent and to quash the same and further to direct the respondents not to issue any other order of deputation to the petitioner in future without the basis of service Rules and without following mandatory statutory provisions.

For Petitioner : No Appearance
in both WPs

For R1 : Mr.R.Arumugam
in both WPs

For R2 : Mr.Govindaraj
in both WPs Central Government Standing Counsel

C O M M O N O R D E R

Deputing an employee from one office to another office or from one place to another place is part of the service conditions. Deputation of an employee from one place to another place or from one office to another office is an administrative prerogative of the competent authorities. The petitioners cannot have any vested right to choose a place of

their choice or the best of their choice. However, if the deputation is granted by the competent authorities in violation of the statutory Rules not in force, then, the employee will have right to challenge the same.

2. The relief sought for in this writ petition is to direct the respondent not to issue an order of deputation to the writ petitioner in future without the basis of the service Rules. In the present case, it is seen that the deputation orders has been passed by the competent authorities by following the Rules relating to the deputation of employees from one place to another place or from one office to another office.

3. The order dated 21.04.2007 passed by the General Secretary states that Shri.K.Ethiraj, Grade Clerk-I, Examination Department, D.B.H.P. Sabha, Madras will go on deputation to the D.B.Hindi Prachar Sabha (Kerala), Ernakulam from 23.04.2007 to 30.10.2007.

4. Thus, the period of deputation stated in the order of impugned dated 21.04.2007 expired on 30.01.2007. This being the factum of the case, no further adjudication needs to be undertaken in respect of the grounds raised in this writ petition.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

msm

To

1.The General Secretary
DAKSHINA BARAT HINDI PRACHAR SABHA
Thyagaraya Nagar
Chennai-600 017.

2.The Secretary
Union of India
Ministry of Human Resources Development
West Block No.VII, R.K.Puram
New Delhi - 110066.

+1cc to Mr.R.Arumugan B.Anand, Advocate SR.No.4167

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