

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

W.P.No.41002 OF 2017

ORDER: (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged the order dated 22.11.2017 passed in O.A No.826 of 2017 by the Central Administrative Tribunal, Hyderabad Bench at Hyderabad.

2. The petitioner was appointed as police Constable on 29.10.1999 in Hyderabad City Police. Thereafter, he remained on deputation post with Railway department. Later he was repatriated to his parent department as a Police Constable. While he was working at Dharoor Police Station, Mahabubnagar, the Additional Director General of Police (Personnel), Telangana, Hyderabad by proceedings Rc.No.197/E2/2014, dated 26.08.2014, had placed his service along with two other police personnel at the disposal of the 3rd respondent for a period of three years and directed the Inspector General of Police, West Zone, Hyderabad, and State Police, Mahabubnagar District, to relieve the petitioner and others with instructions to report before the 3rd respondent. Consequently, vide letter dated 26.09.2014 they relieved the petitioner with instructions to report before the 3rd respondent. Accordingly, the petitioner reported at the aforesaid respondent. Thereafter, the 3rd respondent passed

an order dated 11.9.2015 transferring the petitioner from Rajiv Gandhi International Airport, Shamshabad to Registration Office, Kavadiguda with immediate effect, and on the same date, passed office order No.383/2015 repatriating the petitioner prematurely to his parent department w.e.f. 11.12.2012, which was received by the petitioner on 23.11.2015. Thereafter, the petitioner filed representation to the 3rd respondent on 24.11.2015 requesting him to retain in the said office, stating that he never indulged any indiscipline in discharging his official duties.

3. Since no order was passed by the 3rd respondent, therefore the petitioner has challenged the same by filing O.A. No.125 of 2015 before the learned Tribunal and the Tribunal by order dated 27.01.2016 has granted stay.

4. It is pertinent to mention here that the petitioner has completed his deputation period of 3 years, thereafter the aforesaid O.A. was closed vide order dated 23.08.2017, however not on merit. Thereafter, after completion of 3 years of deputation, the petitioner filed representation dated 17.08.2017 seeking extension of his deputation period and the same was rejected vide order dated 23.08.2017. Being aggrieved, the petitioner approached the learned Tribunal by filing O.A.No.826 of 2017 and the same was dismissed vide its order dated 22.11.2017. Hence, the present petition.

5. Learned counsel for the petitioner has drawn attention of this Court to the tenure of deputation/foreign service, and as per 8.2 of Memorandum dated 17th June 2010, it is stated that, in case where the period of deputation/foreign service prescribed in the recruitment rules of the ex-cadre post is 3 years or less, the Administrative Ministry/borrowing organization may grant extension upto the 4th year after obtaining orders of their Secretary (in the Central Government)/Chief Secretary (in the State Government)/ equivalent officer (in respect of other cases) and for the 5th year with the approval of the Minister concerned.

6. In the present case, it is not in dispute that the petitioner has already completed his 3 years of deputation and has sought extension of further deputation which was rejected by the respondents vide its order dated 23.8.2017.

6. It is pertinent to mention here that the petitioner was prematurely repatriated vide order dated 11.09.2015 and the same was stayed by the learned Tribunal vide its order dated 27.01.2016, thus the petitioner has completed his deputation period of 3 years. In the said repatriation letter dated 11.9.2015, it is specifically mentioned that the petitioner stands repatriated prematurely to his parent department w.e.f. 11.12.2015 due to adverse activities. Since

the petitioner was repatriated to his parent department, therefore they did not mention the details of the activities.

7. The respondents have filed counter affidavit whereby stated that when the petitioner was posted to Rajiv Gandhi International Airport (RGIA), Shamshabad, during August 2015, it is informed that, he has taken loan/borrowed money from various persons working in Airport in Customs Department, State Police, GMR with an assurance to provide gold, permanent job etc. On 18.08.2015, the Assistant Commissioner of Police (ACP), Shamshabad, visited 3rd respondent's office and enquired about the position and status of the petitioner and informed that he has swindled Rs.60 lakhs from a businessman on assurance of procuring pure gold at cheaper rates due to his posting at Airport. He also borrowed Rs.40,000/- from 3rd respondent's contingent MT staff. In addition to that, an FIR No.147 of 2014 was registered under Section 420 IPC against the petitioner on 04.08.2014 in Pebbair Police Station for taking Rs.2.80 lakhs from two residents of Pabbair on assurance of providing them jobs.

8. It is not clear that whether the State Government has initiated any departmental enquiry against the petitioner however his representation for extension of deputation period is dismissed vide order dated 23.08.2017 which is not his right and not a short of punishment. Learned tribunal after

considering all these facts come to the conclusion that there is no substance in the petition filed by the petitioner before the tribunal.

9. In view of the facts recorded above, since the conduct of the petitioner is not with a clean slate during deputation post, therefore the 3rd respondent has rightly dismissed his representation on 23.08.2017.

10. Finding no merit in the instant petition and the same is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.



SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 24-01-2018
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