

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 3920 of 2016

Arvind Kumar Dubey, Son of Late Madan Dwivedi, resident of village -
Kothari, P.O. Kanhaiyaganj, P.S. Telhara, District - Nalanda

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Home Affairs, New Delhi
2. The Secretary, Ministry of Home Affairs, Govt. of India, New Delhi
3. The Secretary, Ministry of Personnel, Public Grievance and Pension, Department of Personnel and Training, Government of India, New Delhi
4. The Director General, Border Security Force, New Delhi
5. The Director General, National Disaster Response Force, Ministry of Home Affair, Govt. of India, New Delhi
6. Director, Department of Personnel, Public Grievance and Pension, Govt. of India, New Delhi
7. The Inspector General, National Disaster Response Force, Ministry of Home Affair, Govt. of India, New Delhi
8. The Deputy Inspector General, Sector Headquarter, National Disaster Response Force, Kolkata
9. The Commandant 9th Bn, National Disaster Response Force, Bihta, Patna
10. The Commandant 147 Bn., Border Security Force, Bihta, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Alok Kumar Alok, Advocate
For the Respondent/s	:	Mr Manoj Kumar Singh, CGC
		Mr S D Sanjay, ASG

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 08-05-2019 Heard learned counsel for the petitioner and the respondent-State.

Petitioner is claiming deputation allowance for the period 25.10.2010 to 14.01.2013. During the said period, the petitioner was on deputation in the National Disaster Response



Force. He submits that in view of the deputation from his services in the respondent-Border Security Force, he would be entitled to payment of deputation allowance. Reliance is placed on decision of the Delhi High Court which has been passed in WP (Civil) No 2532 of 2012.

Learned Additional Solicitor General appearing for the Union of India submits that the issue is pending consideration before the Apex Court in the proceedings arising out of SLP (Civil) No 18853 of 2017 and that the claim of the petitioner can only be considered on final adjudication of the issue by the Apex Court.

Since the claim of the petitioner is dependent upon the proceedings pending in the Apex Court, this writ petition need not be kept pending. After final orders are passed by the Apex Court, and if the petitioner would be entitled to the benefit, it would be open to him to make such claim in terms of judgment/order of the Apex Court.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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