

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 529 of 2019

(Arising out of order dated 25.09.2019 passed by learned Single Judge
in WPS- 7750 of 2019)

Dr. S. Zaheeruddin S/o Late Hazi Rahimuddin Aged About 59 Years
Presently Posted As Chief Executive Officer, Chhattisgarh State Waqf
Board, Ambedkar Chowk, Near Ghadi Chowk Raipur, District Raipur
Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh State Waqf Board Through Its Chairman, Sector 3, Devendra Nagar, Raipur Chhattisgarh.
3. Dr. S.A. Farooqui Currently Serving as Veterinary Assistant Surgeon, Department of Animal Husbandry and Development, Veterinary Services, Indrawati Bhawan, Atal Nagar, Naya Raipur Chhattisgarh.
4. Mohammed Salim Ashrafi S/o Late Hafiz Abdul Gafur Aged About 68 Years R/o House No. 1013 Gafur Manzil, Rajbandha Marg, Maudhapara, Raipur Chhattisgarh.

-----Respondents

For Appellant	:	Shri Dr. N.K. Shukla, Sr. Advocate with Shri Shailendra Shukla, Advocate.
For State/Respondent No.1:	:	Shri Ghanshyam Patel, Govt. Advocate.
For Respondent No.2	:	Shri Prateek Sharma, Advocate.
For Respondent No.3	:	Smt. Hamida Siddiqui, Advocate.
For Respondent No.	:	Ms. Deepali Dubey, Advocate on behalf Shri Surfaraz Khan, Advocate.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per PR Ramachandra Menon, CJ

02.12.2019

1. Challenge is against the verdict passed by the learned Single Judge on 25.09.2019 in WPS No.7750/2019 whereby the claim to continue in the post of deputation and the challenge raised against the repatriation were declined to be acted upon.
2. Heard both the sides.

3. It is seen that the interference was declined by the learned Single Judge holding that there was no vested right for a 'deputationist' to continue in the deputation post. Reliance was placed on as many as four judgments rendered by the Hon'ble Supreme Court in the cases of Kunal Nanda v. Union of India & Anr. [2000 (5) SCC 362], Union of India & Anr. v. V. Ramakrishanan & Ors. [2005 (8) SCC 394], Ratilal B. Soni & Ors. v. State of Gujarat & Ors, [AIR 1990 SC 1132], Umapati Choudhary v. State of Bihar & Anr. [1999 (4) SCC 659].
4. We find no tenable ground to interfere with the finding rendered by the learned Single Judge based on the law declared by the Supreme Court. That apart, it is now brought to the notice of this Court that, pursuant to the interference declined by the learned Single Judge, the appellant has already joined duty in the repatriated post ie in his 'parent cadre'.
5. In the said circumstance, nothing else remains to be considered in the appeal. It is dismissed accordingly.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge