

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4405 of 2021**

Ashok Kumar Singh S/o Late Ishwar Singh, Aged About 60 Years
 Assistant Grade - III (Education Department Government Higher
 Secondary Guma, Block - Dharsiva, District - Raipur (C.G.)), Working
 On Deputation At Office Of District Commandant, Home Guard
 Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, Raipur, Chhattisgarh
2. Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, Raipur, Chhattisgarh
3. Director General (Home Guard) Home Guard HQ, Sector - 19, Naya Raipur Naya Raipur, Atal Nagar, Raipur Chhattisgarh
4. District Commandant, Home Guard And Fire Brigade Officer (Nagar Sena) District Office, Bilaspur, Chhattisgarh
5. Director - Lok Shikshan Shanchnalay, Indrawati Bhawan, Naya Raipur Atal Nagar, Raipur, Chhattisgarh
6. District Education Officer O/o District Education Officer, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vinod Kumar Deshmukh, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24.08.2021**

1. The petitioner seems to be aggrieved of Annexure P-1 dated

14.06.2021 whereby upon completion of the period of deputation the petitioner has been repatriated to the parent department i.e. Education Department.

2. Learned counsel for petitioner referred to Annexure P-8 dated 17.02.2021 whereby the Department itself has sought permission of the parent department for further extension of the petitioner's deputation period.
3. Needless to mention that the petitioner has been working under the department of Home Guard since 2013 and he has been deputed to the fire fight section under the department of Home Guard and from 2013 onwards there has been uninterrupted continuous service rendered by the petitioner on deputation. The services of petitioner were called on deputation on account of large scale vacancies existing in Home Guard Department.
4. Counsel for petitioner referred to Annexure P-8 stating that the condition remains the same in Home Guard Department where there is still paucity of regular employees and the Department is also keen in again getting the services of petitioner on deputation.
5. Counsel for petitioner further referred to Annexure P-10 dated 20.05.2021 whereby the Education Department i.e. the parent department of petitioner had ultimately granted permission for the petitioner to be sent on deputation. However, in spite of Annexure P-10 dated 20.05.2021 being passed by the parent department, the respondent no.3 has now passed Annexure P-1 dated 14.06.2021 whereby the services of petitioner have been repatriated to the parent department. In the order Annexure P-1 dated 14.06.2021 the respondent authorities have not made any discussion so far as the

permission granted by the Education Department vide order dated 20.05.2021 as also the recommendation made by the District Commandant on 17.02.2021 vide Annexure P-8.

6. Given the fact that the respondents have already repatriated the petitioner to his parent department, the present writ petition at this juncture can only be disposed of permitting the petitioner to again approach the respondents 2 to 4 for a fresh request for him being sent on deputation under the respondents 2 to 4. Subject to the petitioner approaching the respondents 2 to 4, the authorities may again consider the claim of petitioner keeping in view the permission that he has got from the Education Department vide Annexure P-10 dated 20.05.2021 as also the recommendation made by the District Commandant on 17.02.2021 vide Annexure P-8. Let an appropriate decision be taken in this regard within a period of 60 days from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge