

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**LPA No.914 of 2020(O&M)
Date of decision: 05.01.2021**

Constable Ravinder Singh

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Baljinder Singh Sra, Advocate, for the appellant.
Mr. V.M. Gupta, Addl. AG, Punjab.

ARUN PALLI, J.

This is an intra-court appeal under Clause X of the Letters Patent against an order and judgment dated 16.12.2020, rendered by the learned Single Judge, vide which the petition filed by the appellant assailing his repatriation to the parent department has since been dismissed.

Constable Ravinder Singh (appellant), who was serving the Intelligence Wing (CIA Staff Fazilka), Punjab, on deputation, was repatriated, vide order dated 06.11.2020, to his parent department (6th India Reserve Battalions, Ladda Kothi, Sangrur). The position of law is settled that a deputationist can always, and at any time, be repatriated to his parent department at the instance of either of the departments. Upon being pointedly asked, learned counsel failed to show if the appellant had any vested right to continue in the borrowing department. Thus, his resistance to

repatriation is ill-founded. Similarly, an order dated 16.11.2020 (Annexure P-8) passed in another matter (CWP No.19332 of 2020), which is being relied upon, would not advance the case of the appellant either, for, *ex facie* the matter at hands is distinguishable on facts and even otherwise the said order is interim in nature. The argument that in terms of Rule 6(2) of Punjab Intelligence Cadre (Group C) Service Rules, 2015, being set out hereinafter, an official on deputation could only be repatriated if his work and conduct was not found satisfactory, and as that is not the basis of repatriation of the appellant, the order under consideration cannot be sustained, also lacks conviction:

“6. Method of appointment, qualifications and experience.

(1) xxx xxx xxx

(2) Any official on deputation in Intelligence Wing can be repatriated to his parent department at any time without any prior notice, if his work and conduct is not found satisfactory.”

Undoubtedly, in terms of the Rules (ibid) if the work and conduct of any official on deputation is not satisfactory, he can be repatriated at any time, but that would not imply that in no other situation or ground he can ever be repatriated to his parent department. In the matter at hands, as is discernible from the order dated 06.11.2020, a criminal case under Prevention of Corruption Act is pending against the appellant and, therefore, for awarding any major punishment his parent department is the competent authority. Thus, in the given circumstances, his repatriation was inevitable.

In the wake of the above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge. The appeal being devoid of merit is accordingly dismissed.

	(Ravi Shanker Jha) Chief Justice	(Arun Palli) Judge
05.01.2021 Rajan		

Whether speaking / reasoned:	YES
Whether Reportable:	NO