

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9008 of 2022

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Avinash Kumar S/o Rasnand Singh, Presently by posted to the post of mate (Electrical) Engineer, MES (Military Engineering Service Unit), AIR FORCE cantonment, Bihta, Patna (Bihar). Permanent R/o The Village-Daroga Bigha, P.O. and P.S.-Kurtha and the District-Jehanabad.

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary, the Ministry of Defence, Government of India, New Delhi.
2. The Chief Engineer, Head Quarter, the Western Command, Pin-908543, C/o 56 A.P.O. at Chandi Mandir, Chandigarh (Punjab).
3. The Chief Engineer, the Central Command, C/o 56/APO, PIN-900450, Lucknow (U.P.).
4. Garrison Engineer, MES (Military Engineering Service) under AIR FORCE Unit, Bihta Cantonment, Bihta, Patna (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shiv Shankar Prasad Yadav, Advocate
For the Respondent/s	:	Mr. Naresh Dikshit, Sr. Advocate for UOI Mr. Sumit Shekhar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-07-2022

Heard learned counsels for the parties.

2. Even though the matter is listed for rectification of certain defects in the writ petition, with the consent of learned counsels for the respective parties matter is taken up for final disposal.

3. Short question for consideration is whether petitioner is entitled to continue to be on deputation in the office of the G.E.



Bihta, Patna or not? Undisputed facts are that petitioner while working in the G.E. office, Patiala, Punjab had requested competent authority to depute his services to G.E. Bihta, Patna and it was acceded by the concerned competent authority and petitioner was deputed/transferred to G.E. Bihta, Patna on 19.09.2019 with a rider that such a deputation/transfer is for the period of two years. On completion of two years of service on deputation in the office of G.E. Bihta, Patna the concerned competent authority has repatriated his services to the office of the G.E., Patiala, Punjab *vide* order dated 11.12.2021 which is the subject matter of O.A. No. 050/00338 of 2022 before the Central Administrative Tribunal, Patna Bench, Patna (for short “Tribunal”).

4. The Tribunal decided petitioner’s original application cited *supra* on 17.05.2022 while rejecting the relief sought by the petitioner. Thus, the petitioner has presented this petition in questioning both repatriation order as well as order of Tribunal dated 17.02.2022.

5. Learned counsel for the petitioner vehemently contended that he is entitled to continue at G.E. Bihta, Patna on compassionate ground, however, the same has not been appreciated by the Tribunal.



6. Perusal of the records, it is evident that the petitioner has not questioned the validity of the condition imposed in the initial order of deputation/transfer to G.E. Bihta, Patna dated 19.09.2019 to the extent that such a deputation is for the period of two years. In the absence of challenge to the aforesaid condition, the petitioner is not entitled to continue on deputation at G.E. Bihta, Patna. In the light of these facts and circumstances, petitioner has not made out a case.

7. Accordingly, present petition stands dismissed while affirming the order of repatriation and order of the Tribunal dated 17.05.2022 passed in O.A. No. 050/00338/2022.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	21.07.2022
Transmission Date	

