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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: September 08, 2022***+ **W.P.(C) 13097/2022 & CM No. 39688-89/2022****MADAN LAL SAINI AND ORS. Petitioners****Through: Mr.Ankur Chhibber &
Mr.Anshuman Mehrotra, Advocates****Versus****UNION OF INDIA AND ORS. Respondents****Through: Mr.Anil Soni, CGSC
Ms.Avnish Ahlawat, Standing
Counsel & Mr.Nitesh Kumar Singh,
Advocate for respondent No.4/Delhi
Police****CORAM:****HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE****JUDGMENT (oral)**

1. By this petition, petitioner is seeking the following reliefs:-

“(i) Issue of Writ of Certiorari for quashing of the order dated 17.08.2022 to the extent whereby the respondents have included the names of the petitioners amongst the officers whose deputation in Delhi Police have been prematurely reversed and cancelled; and

(ii) Issue of Writ of Mandamus directing the respondents to allow the petitioners to continue at their deputed organization, i.e. Delhi Police for a minimum of atleast the approved tenure, i.e. 03 years, keeping in view their special family circumstances, in terms of the OM dated



17.06.2010 issued by the DoPT as well the judgment dated 07.10.2005 and 08.05.2008 passed by the Hon'ble Apex Court in case of Union of India and Ors. v V. Ramakrishnan and P.Venupgopal vs. Union of India respectively and also the order dated 17.08.2022 passed by this Court in W.P.(C) 11913/2022 titled as Rajendra Kumar and Ors. vs. Union of India & Ors. and judgments dated 18.08.2022 and 22.08.2022 passed by this Hon'ble Court in W.P.(C) No.12004/2022 titled as Kuldeep Singh and Ors. v Union of India and Ors. and W.P.(C) No. 12122/2022 titled as Suresh Chand and Ors. v Union Of India and Ors. Respectively”

2. Learned counsel appearing for the petitioners has drawn attention of this Court to Clause- 9 of the Office Memorandum bearing No. 6/8/2009-Estt. (Pay II) dated 17.06.2010 wherein it is stated as under:-

“Premature reversion of deputationist to parent cadre.

Normally, when an employee is appointed on deputation/foreign service, his services are placed at the disposal of the parent Ministry/ Department at the end of the tenure. However, as and When a situation arises for premature reversion to the parent cadre of the deputationist, his services could be so returned after giving an advance notice of at least three months to the lending Ministry/Department and the employee concerned.”

3. As per the averment made in the present petition, Clause-9 mentioned above has not been complied with.

4. Accordingly, we hereby dispose of the present petition by directing the respondents to issue advance notice in terms of Clause 9 above. However till then, the petitioners shall continue to operate at their deputed place(s) of posting.

5. With aforesaid directions, the present petition is accordingly



disposed of. Pending applications are disposed of as infructuous.

6. A copy of this order be given *dasti* under the signatures of the Court Master to learned counsel for the parties.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 08, 2022

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