

71.
13.1.2023
S.D.

W.P.A. 15984 of 2021
With
CAN 1 of 2022
Sukumar Kamilya
Vs.
Union of India & Ors.

Mr. Santosh Kumar Chakraborti
...For the petitioner
Mr. Santosh Kumar Pandey
..For Union of India

In re: **CAN 1 of 2022**

In this application, the petitioner prays for a direction on the respondents and in particular respondent nos. 2 and 3 being the Inspector General, Frontier Headquarter, the Director General, Force Headquarter of Sashastra Seema Bal to extend the period of deputation of the petitioner in Enforcement Directorate at the Kolkata Zonal Office for a period of two years.

The petitioner is working as a Sepoy with the Sashastra Seema Bal. A writ petition was filed sometime in or around September 27, 2021 for setting aside of the impugned order dated September 21, 2021 and challenging the repatriation of the petitioner prematurely with the direction to report at the Force Headquarter, SSB, New Delhi for completion of disciplinary proceedings against the petitioner.

Direction for affidavits was passed in the said writ petition by a Coordinate Bench, but no affidavit-in-opposition to the main writ petition has been filed till date.

After considering the rival submissions of the parties and the materials placed on record, this Court finds that the period of deputation stipulated from 2019 onwards is already completed in October 2022. Therefore, the petitioner as on date cannot complain of premature repatriation.

This Court also finds that no case has been made for extension of the tenure of deputation in the present application. It is apparent that the petitioner is praying for such extension in order to avoid facing the disciplinary proceedings which have been initiated against him.

In the light of the discussions above, **CAN 1 of 2022 is dismissed.**

By consent of the parties, hearing of the writ petition is taken up.

In the light of the discussions above, **W.P.A. 15984 of 2021 is also dismissed.**

After the dictation of the order, it has been submitted by Mr. Pandey, learned counsel appearing on behalf of the Union of India that an affidavit-in-opposition to the main

writ petition is ready to be filed. The said opposition is handed over in Court today and retained with the records.

Needless to mention that in the event, the petitioner is inclined to join his transferred place of posting within January 20, 2023, he shall be allowed to join the same.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)