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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 21st April, 2023

+ W.P.(C) 5104/2023 & CM APPL. 19974/2023

RAM RATAN SHARMA & ANR. Petitioners

Through: Mr. Himanshu Gautam, Advocate
versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Syed Abdul Haseeb, Senior Panel
Counsel and Mr. Hilal Haider, G.P.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present petition, petitioner is seeking quashing or setting aside of the impugned orders dated 01.03.2023 and 21.02.2023; and directions to the respondents to allow petitioners to complete their tenured deputation of 3 years with the Ministry of External Affairs.
2. Learned counsel for petitioners has relied upon the judgment dated 04.07.2008 passed by a Co-ordinate Bench of this Court in W.P.(C) 3433/2007 in the case of *Union of India & Ors. vs. Ct. Shamsher Singh*.
3. It is not in dispute that pursuant to inquiry initiated against the petitioners an amount of Rs.2,37,677/- from petitioner No.1 and an amount of Rs.2,43,107/- from petitioner No.2 have been directed to be effected from them towards excess amount.

4. Learned counsel for petitioners has also relied upon the OM No.6/82009-Estt. (Pay II) dated 17.06.2010 (Annexure P-6) and has submitted that if an officer is posted on deputation and is recalled before completing the tenure, at least three months advance notice is to be served to such an officer.

5. It is not in dispute that the petitioners are on deputation and are in Algeria and Nairobi, Kenya, respectively.

6. As per clause 2.2 (c) of the said OM, the said OM is not applicable upon the officers who are on deputation to posts outside India.

7. Thus, in view of above circumstances, we find no illegality or perversity in the order dated 13.04.2023 passed by the respondents and the case relied upon by the petitioners is not relevant to the facts and circumstances of the present case.

8. Accordingly, the present petition is dismissed.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

APRIL 21, 2023/rk