

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

116

CWP-4986-2024

Date of Decision :04.03.2024

Ajit Singh and another

...Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Singh Duhan, Advocate for the petitioners.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance of the petitioners is that the petitioners are not being allowed to compete for the posts, which are to be filled up on deputation in pursuance to advertisement dated 03.01.2024 (Annexure P/1) issued by the Directorate of Medical Education and Research, Haryana Panchkula.

2. Learned counsel for the petitioners submits that the petitioners intended to apply for the posts in question but their claim is not being considered by their parent department on the ground that services of the petitioners cannot be spared.

3. Learned counsel for the petitioners further submits that the petitioners have right to compete for the post in question and, therefore, the respondents are under an obligation to forward the application of the petitioners for consideration to the department of Medical Education and Research, Haryana.

4. Keeping in view the advanced copy served, Mr. Harish Nain,

AAG, Haryana appears for the respondent-State and submits that once the

posts are being filled up by way of deputation, employee has no right to claim so as to work on deputation as it is the prerogative of the parent department to see as to whether the employee concerned is to be sent on deputation or not.

5. I have heard learned counsel for the petitioners and have gone through the record with their able assistance.

6. It is a settled principle of law that for going on deputation cannot be claimed as a matter of right. Not only the consent of the employee is needed by both the lending department as well as borrowing department to agree for the same and in case any of the department, disagrees, the employee concerned cannot be sent on deputation. To be sent for deputation is not a matter of right of the employee as envisaged under the service rules. Hence, keeping in view the fact that posts in question, which are to be filled up by way of deputation by the department of Medical Education and Research, Haryana, the petitioners cannot claim as a matter of right to be considered for such post to be filled by way of deputation especially, when the said benefit is being denied by their parent department on the ground that they do not have spare staff to be sent on deputation.

7. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

March 04, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No