



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CWP No. 8989 of 2023 (O&M)

Date of Decision : 18.08.2025

Dr. Sunita Rani

...Petitioner

Versus

Union Territory of Chandigarh and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*
 HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Gulab Singh Saharan, Advocate for the petitioner.

Mr. Rohit Kaushik, Advocate
for the respondent-UT, Chandigarh.

Mr. Nitin Rathee, Advocate for respondent No. 3-UPSC.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 31.03.2023 (Annexure P-4) passed by the Central Administrative Tribunal (CAT) (hereinafter referred to as 'the Tribunal') by which, the claim of the petitioner that the petitioner should be sent on deputation from the State of Haryana to the Union Territory, Chandigarh on the post of Assistant Professor in Hindi in the Girls Colleges being run by the Union Territory, Chandigarh, has been declined.

2. It may be noticed that the petitioner is a directly recruited Assistant Professor Personnel in the State of Haryana working in Post



Graduate Government College for Women, Sector-14, Panchkula. While working, the petitioner raised a claim that the petitioner is entitled to be sent on deputation with Chandigarh Administration keeping in view the fact that the post of Assistant Professor in Union Territory, Chandigarh is to be filled either by way of direct recruitment or by way of deputation and as per the petitioner, she is fully eligible to be sent on deputation by the State of Haryana to Union Territory, Chandigarh against the post of Assistant Professor in Hindi wherever available in the Girls College in Union Territory, Chandigarh.

3. The prayer of the petitioner was not accepted by the respondent-department and ultimately, the petitioner approached the Central Administrative Tribunal for the redressal of her grievance by filing Original Application being OA No. 060/836/2021 which ultimately came to be dismissed by the Tribunal on 31.03.2023 (Annexure P-4), which order has been impugned in the present petition.

4. Learned counsel for the petitioner submits that once the post of Assistant Professor in Hindi in Chandigarh Administration is to be filled either by way of deputation or direct recruitment, the petitioner has a right to be considered to be sent on deputation to Chandigarh Administration with regard to the said post, especially by creating a reservation in favour of the persons with disability as, the petitioner is a disabled person. Learned counsel for the petitioner further submits that without appreciating the said argument, the Original Application filed by the petitioner has been dismissed by the Tribunal.



5. Learned counsel appearing on behalf of U.T., Chandigarh submits that though, the posts of Assistant Professor with the U.T., Chandigarh are to be filled either by way of direct recruitment or by way of deputation but, the Chandigarh Administration has no control over the names being recommended by the respective State of Punjab and Haryana and whatever the names are recommended by the respondent-State, the meritorious candidates amongst such candidates are selected and are allowed for deputation with the College in Chandigarh. Learned counsel for Chandigarh Administration further submits that in case, the name of the petitioner is recommended by the State of Haryana for being sent to deputation at any given point of time, the same will be considered in accordance with law.

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It is a settled principle of law that 'deputation' cannot be claimed as a matter of right. Even if the rules governing the recruitment of teachers in Chandigarh Administration describes deputation as one of the mode for recruitment, the same can only be done in case, the names are recommended for deputation by the respective State of Punjab or Haryana. The Chandigarh Administration has no role to play with regard to the recommendation by the respondent-State, rather the only role to be played is to select the suitable candidates out of the recommended ones which are sent by either of the State under their own quota hence, the claim of the petitioner



against the Chandigarh Administration that she should be appointed directly on deputation being disabled, cannot be accepted.

8. Further, the prayer of the petitioner is that since she is disabled, there has to be a provision for reservation in favour of the disabled candidates even while sending the candidates on deputation. No law has been brought to the notice of this Court that states that even for purpose of deputation, the benefit of reservation has to be given by the Chandigarh Administration or any other authority who are seeking to fill a post through deputation. It should be noted that the said right/positive discrimination of reservation for the physically disabled personnel is either when the appointment is being done through direct recruitment or in the matter of promotions. In the absence of any existing rule with the Chandigarh Administration which grants for benefit of reservation for the physically disabled even while filling the post through deputation, cannot be accepted.

9. Further, learned counsel for the petitioner has cited the judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 1567 of 2017 titled as *Siddaraju Vs. State of Karnataka and others*, decided on 14.01.2020. It may be noticed that the said judgment is in with regard for giving benefit of reservation in a matter of appointment. The said appointment can be by way of direct recruitment and promotion. When, the petitioner competed for the post of Assistant Professor within the State of Haryana, she has been given benefit of reservation and she is continuing in the said post till now hence, claiming further benefit of reservation for the purpose of deputation to come to Chandigarh and that too as a matter of



right, cannot be accepted. No rule has been cited which could show that the Chandigarh Administration is to give the benefit of reservation for filling the post by way of deputation.

10. Keeping in view the totality of the circumstances, as the petitioner has no right to claim that she should be sent on deputation by the State of Haryana, no direction can be given to the Union Territory, Chandigarh to consider the claim of the petitioner.

11. Dismissed.

12. However, in case, the petitioner is interested in coming on deputation with Union Territory, Chandigarh as a Professor and applies through the State of Haryana and in case, the State of Haryana is agreeable and sponsor the name, the Union Territory will consider the claim of the petitioner as and when received, in accordance with law.

13. Pending miscellaneous application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 18, 2025
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Whether speaking/reasoned : Yes

Whether reportable : No