



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO. 118 OF 2025
IN
WRIT PETITION NO. 4113 OF 2024**

Shailesh Kumar Gatlewar

.. Petitioner

Versus

Union of India and Ors.

.. Respondents

Mr. Shailesh Kumar Gatlewar, Petitioner – appeared in person.

Ms. Sangeeta Yadav (through V.C.), with Mr. Umesh Gupta, for the Respondents.

**CORAM: B. P. COLABAWALLA &
ARIF S. DOCTOR, JJ.**

DATE: MARCH 25, 2026

P. C.

1. The above Review Petition is filed seeking a review of the order passed by this Court on 8th April 2024.

2. Since the party is appearing in person, we have heard the party at some length. The basic argument of the Petitioner appearing in person was that Article 311 of the Constitution of India has not been properly applied, and in any event, the order under review is contrary to the decision of the

Hon'ble Supreme Court in the case of ***Union of India and Another Vs. S.N. Maity and Another [(2015) 4 Supreme Court Cases 164]***.

3. After hearing the party in person, we find no merit in the above Review Petition. Firstly, the argument of Article 311 has in fact been dealt with and considered in the order under review and more particularly at paragraph 13 thereof. The present attempt is to once again reargue the matter, which is not within the remit of our Review Jurisdiction.

4. Secondly, as far as the judgment of the Hon'ble Supreme Court in the case of *S.N. Maity (supra)* is concerned, we find that the reliance placed on this judgment is wholly misplaced. When one peruses the facts in paragraphs 4 and 9 of the said decision, it is clear that in the case before the Hon'ble Supreme Court it was a case where there was an advertisement issued in the Employment News calling for applications from eligible candidates for appointment to the post of CGPDTM and the Ministry had proposed to fill up the posts by transfer on deputation, including short-term contracts. The High Court came to the conclusion that this was not a transfer on deputation but an appointment on deputation, and it was not a deputation simpliciter. This, in fact, was reiterated by the Hon'ble Supreme Court in paragraph 8 of its decision wherein the Hon'ble Supreme Court opined that

on the appreciation of the facts, which include issuance of an advertisement, selection process which led to eventual recommendation by the UPSC, and the ultimate issue of notification, it was extremely difficult to accept the submission of the Appellant that this was a case of deputation by one department to another, or to put it differently, the parent department had lent the services of the 1st Respondent to the borrowing department. The Hon'ble Supreme Court clearly opined that this was not a case of deputation simpliciter.

5. In fact, the Hon'ble Supreme Court took note of another judgment in the case of ***Ashok Kumar Ratilal Patel Vs. Union of India [(2012) 7 SCC 757]*** and drew a distinction between “transfer on deputation” and “appointment on deputation”. In *Ashok Kumar Ratilal Patel (supra)*, the Hon'ble Supreme Court opined that in the case for appointment on deputation in services of the State or organisation, or State within the meaning of Article 12 of the Constitution of India, the provisions of Article 14 and Article 16 are to be followed and no person can be discriminated nor is it open to the appointing authority to act arbitrarily or pass any order in violation of Article 14. A person who applies for appointment on deputation has an indefeasible right to be treated fairly and equally, and once such person is selected and offered a letter of appointment on deputation, the

same cannot be cancelled except on the ground of any non-suitability or unsatisfactory work.

6. We find that this judgment of the Hon'ble Supreme Court is wholly inapposite to the facts of the present case. The present case is not one of appointment on deputation. Rather, as per the facts had been set out in the order under review, the Review Petitioner was the employee of the Central Bank of India and was thereafter sent on deputation to the Central Bureau of Investigation. We therefore find that the reliance placed on the decision of the Hon'ble Supreme Court in the case of *S.N. Maity (supra)* is wholly misplaced.

7. We accordingly find no merit in the above Review Petition. It is accordingly dismissed. However, there shall be no order as to costs.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[ARIF S. DOCTOR, J.]

[B. P. COLABAWALLA, J.]