HC-KAR
NC: 2026:KHC:64599
WP No. 23120 of 2026
CNR: KAHC010516142026

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 23120 OF 2026 (S-TR)

BETWEEN:

1. DR C T PUTTASWAMY
S/O. SRI. LATE THIMMAIAH,
AGED ABOUT 56 YEARS,
PROFESSOR,
DEPARTMENT OF CHEMICAL ENGINEERING,
B.M.S. COLLEGE OF ENGINEERING,
BENGALURU,

PRESENTLY WORKING AS DIRECTOR
(TECHNICAL CELL),
DEPARTMENT OF FOREST,
ECOLOGY AND ENVIRONMENT,
GOVERNMENT OF KARNATAKA,
M.S. BUILDING, DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001,

RESIDING AT NO. 206,
12TH B CROSS, VYALIKAVAL,
MALLESHWARAM, BENGALURU - 560 003

... PETITIONER

(BY SRI. UDAYA HOLLA, SENIOR ADVOCATE A/W
SRI SHAHBAAZ HUSAIN., ADVOCATE)

Digitally signed by PRAKASH N
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY,

DEPARTMENT OF FOREST,
ECOLOGY AND ENVIRONMENT,
6TH FLOOR, M.S. BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. THE PRINCIPAL CHIEF
CONSERVATOR OF FORESTS
(HEAD OF FOREST FORCE),
ARANYA BHAVAN, 18TH CROSS,
MALLESHWARAM, BENGALURU - 560 003.

3. DPAR SECRETARY
M.S. BUILDING, DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

4. RAMESH B.R. IFS
AGED MAJOR
DEPUTY CONSERVATOR OF FOREST (RESEARCH)
BENGALURU - 560 003

... RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA FOR R1 TO R3;
SRI VIJAYA SHEKARA GOWDA, ADVOCATE FOR R4)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) QUASHING THE ORDER DATED 24.07.2026 NO.E-DPAR 103 SFA 2026 PASSED BY RESPONDENT NO.1, AT ANNEXURE A, IN SO FAR AS IT CURTAILS THE DEPUTATION OF THE PETITIONER TO THE POST OF DIRECTOR (TECHNICAL CELL), DEPARTMENT OF FOREST, ECOLOGY AND ENVIRONMENT, AS BEING ARBITRARY, UNREASONED, VOID, ILLEGAL AND BEYOND AUTHORITY AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 28.09.2026 AND COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

CAV JUDGMENT

The Petitioner who was working as Director (Technical Cell) Department of Forest, Ecology and Environment has filed the present petition being aggrieved by the order dated 24.07.2026 at Annexure-A, whereby he was summarily relieved by the posting of respondent No.4 in his place.

2. The petitioner has challenged the validity of the order at Annexure-'A' dated 24.07.2026 and has sought for issuance of writ of mandamus to direct the respondent nos.1 to 3 to permit him to continue to discharge the duties of the post of Director (Technical Cell), Department of Forest, Ecology and Environment for the tenure of three years.

3. The facts made out are that the petitioner holding a degree of Master of Technology had joined the BMS college of Engineering as a member of the Teaching Faculty.

4. On 27.01.2025, the petitioner was appointed as Director (Technical Cell) Forest, Ecology and Environment Department till further orders in terms of Annexure-'B'. The terms and conditions of his appointment are as per Annexure-'N' dated 10.06.2025 whereby, his appointment on contract basis was specified to be for one year commencing from 27.01.2025 or until further orders whichever is earlier. In terms of the order at Annexure-P, the services of the petitioner were extended for a period of one year from 27.01.2026.

5. It is the grievance of the petitioner that despite having the benefit of the tenure till 27.01.2027, such tenure was curtailed by virtue of the impugned order at Annexure-A relieving him on 24.07.2026. By virtue of the said order at Annexure-A, the respondent No.4 has displaced the petitioner.

6. The Respondent-State on the other hand would contend that the assertion of sanctioned tenure by the

petitioner is incorrect and the appointment of the petitioner is strictly "until further orders". It is further submitted that employees serving under deputation possess no indefeasible legal right to continue in such borrowed post. It is also contended that the petitioner's posting on deputation does not preclude the State from deploying its own Indian Forest Service Officers to the said post. The State has specifically contended that petitioner being relieved by his previous employer, i.e., BMS College of Engineering vide order at Annexure-J dated 27.01.2025 for a period of three years, maintaining a lien on his post at BMS College of Engineering would not bind the State Government.

7. The private respondent has adopted the contentions of the State and has specifically averred that the petitioner has been relieved and Respondent no.4 has taken charge and accordingly once the impugned order is implemented, the present petition is not maintainable.

8. Heard Sri.Udaya Holla, learned Senior Counsel for Sri.Shahbaaz Hussain, learned counsel for petitioner and Smt.Ashwini Patil, learned AGA for respondent nos.1 to 3 and Sri.Vijaya Shekara Gowda, learned counsel for respondent no.4.

9. The only point for consideration is: whether the order posting the petitioner for a period of 'one year or till further orders whichever is earlier', would entitle the respondent-State to curtail the tenure of the petitioner in the manner resorted to?

10. The initial order appointing the petitioner as Director (Technical Cell) is in terms of Annexure-B read with Annexure-N. While Annexure-B would refer to petitioner's appointment as being till ‘further orders’, Annexure-N further elucidates that the order of appointment is for a period of one year or until further orders whichever is earlier and which engagement is on a contractual basis.

11. For the purpose of clarity, the relevant extracts at Annexure-B and Annexure-N are as follows:

ANNEXURE - B

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂ: ಅಪಜೀ 29 ಇಎನ್‌ವಿ 2025 (ಭಾಗ–1)

ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯ
ಬಹುಮಹಡಿ ಕಟ್ಟಡ
ಬೆಂಗಳೂರು. ದಿನಾಂಕ: 27.01.2025.

ಅಧಿಸೂಚನೆ

ಡಾ. ಸಿ ಟಿ ಪುಟ್ಟಸ್ವಾಮಿ ಪ್ರಾಧ್ಯಾಪಕರು, ಕೆಮಿಕಲ್ ಇಂಜಿನಿಯರಿಂಗ್ ವಿಭಾಗ, ಬಿಎಂಎಸ್ ಇಂಜಿನಿಯರಿಂಗ್ ಕಾಲೇಜು, ಬೆಂಗಳೂರು, ಇವರನ್ನು ಸ್ವಂತ ವೇತನ ಶ್ರೇಣಿ ಆಧಾರದ ಮೇಲೆ ನಿರ್ದೇಶಕರು (ತಾಂತ್ರಿಕ ಕೋಶ), ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆ, ಬೆಂಗಳೂರು, ಶ್ರೀ ಗೋಕುಲ್ ಆರ್. ಐಎಫ್‌ಎಸ್. ಇವರ ಜಾಗಕ್ಕೆ ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಹಾಗೂ ಮುಂದಿನ ಆದೇಶದವರೆಗೆ ನೇಮಿಸಿ ಆದೇಶಿಸಿದೆ.

ಡಾ. ಸಿ ಟಿ ಪುಟ್ಟಸ್ವಾಮಿ ಇವರ ನೇಮಕಾತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸೇವಾ ಷರತ್ತು ಮತ್ತು ನಿಬಂಧನೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಹೊರಡಿಸಲು ಸಿಆಸು ಇಲಾಖೆಯು ಕ್ರಮಕೈಗೊಳ್ಳುವುದು.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

(ಬಿ.ಎನ್. ಪ್ರವೀಣ್)
ಸರ್ಕಾರ ಆಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ ಜೀವಿಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ ಇಲಾಖೆ,
(ಜೀವಿಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ)

(emphasis supplied)

ANNEXURE-N

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಸಿಆಸುಇ 81 ಸಉಸೇ 2025, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:–10–06–2025.

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಡಾ.ಸಿ ಟಿ ಪುಟ್ಟಸ್ವಾಮಿ., ಪ್ರಾಧ್ಯಾಪಕರು, ಕೆಮಿಕಲ್ ಇಂಜಿನಿಯರಿಂಗ್ ವಿಭಾಗ, ಬಿಎಂಎಸ್ ಇಂಜಿನಿಯರಿಂಗ್ ಕಾಲೇಜು, ಬೆಂಗಳೂರು, ಪ್ರಸ್ತುತ ನಿರ್ದೇಶಕರು (ತಾಂತ್ರಿಕ ಕೋಶ), ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ, ಇಲಾಖೆ, ಇವರ ಗುತ್ತಿಗೆ ಆಧಾರದ ನೇಮಕಾತಿಗೆ ಸಂಬಂಧಿಸಿದ ಷರತ್ತು ಮತ್ತು ನಿಬಂಧನೆಗಳನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ನಿಗದಿಪಡಿಸಿ ಆದೇಶಿಸಲಾಗಿದೆ.

1. ಡಾ. ಸಿ ಟಿ ಪುಟ್ಟಸ್ವಾಮಿ, ಪ್ರಾಧ್ಯಾಪಕರು, ಬಿ.ಎಂ.ಎಸ್ ಇಂಜಿನಿಯರಿಂಗ್ ಕಾಲೇಜು, ಬೆಂಗಳೂರು ಇವರನ್ನು ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆಯಲ್ಲಿನ ನಿರ್ದೇಶಕರು (ತಾಂತ್ರಿಕ ಕೋಶ) ಹುದ್ದೆಗೆ ದಿನಾಂಕ 27–01–2025 ರಿಂದ ಒಂದು ವರ್ಷದವರೆಗೆ ಅಥವಾ ಮುಂದಿನ ಆದೇಶದವರೆಗೆ, ಇದರಲ್ಲಿ ಯಾವುದು ಮೊದಲೋ ಅಲ್ಲಿಯವರೆಗೆ ಗುತ್ತಿಗೆ ಆಧಾರದ ಮೇಲೆ ನೇಮಿಸಿದೆ.

2.....

3.....

4.....

5. ಒಪ್ಪಂದದ ಷರತ್ತು ಮತ್ತು ನಿಬಂಧನೆಗಳಲ್ಲಿ ನೀಡಿರುವ ಸೌಲಭ್ಯಗಳ ಹೊರತಾಗಿ ಬೇರಾವುದೇ ಸೌಲಭ್ಯಕ್ಕೆ ಅಂದರೆ ವೇತನ ಬಡ್ತಿ, ಪದೋನ್ನತಿ, ಪಿಂಚಣಿ ಇತ್ಯಾದಿ ಸೌಲಭ್ಯಗಳಿಗೆ ಸದರಿ ಗುತ್ತಿಗೆ ನೌಕರರು ಅರ್ಹರಾಗಿರುವುದಿಲ್ಲ.

6.....

7.....

8. ಅವರು ಕರ್ತವ್ಯಗಳನ್ನು ಪಾಲಿಸುತ್ತಿರುವ ಅಥವಾ ನಿರ್ವಹಿಸುತ್ತಿರುವಾಗ ಅವರಿಗೆ ಲಭ್ಯವಾಗಬಹುದಾದ ಅಥವಾ ದೊರಕಬಹುದಾದ ಅಧಿಕೃತ ಮಾಹಿತಿಯನ್ನು ಗೌಪ್ಯವಾಗಿಟ್ಟುಕೊಳ್ಳುವುದನ್ನು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಪಾಲಿಸಬೇಕು.

9. 1966 ರ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ ಮತ್ತು 1957 ರ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿಗೆ ಅವರು ಬದ್ಧರಾಗಿರುತ್ತಾರೆ.

10.....

11.....

(emphasis supplied)

12. It is also relevant to notice that there was a further extension of tenure of the petitioner by order dated 23.01.2026 at Annexure-P which specifically recites that the petitioner's appointment being subject to the order dated 10.06.2025 at Annexure-N is further extended for a period of one year from 27.01.2026 on contractual basis.

13. At the outset, it must be noticed that the appointment of the petitioner to the post of Director (Technical Cell) is in terms of the Karnataka Government Secretariat Services (Recruitment) Rules, 2019 ("the Rules" for short). In terms of the Rules that have been notified on 10.07.2019, Schedule IX provides for posting by deputation. The said rule would provide for filling up of the post by an employee from outside the Department as well.

14. Extract of the relevant Rules and Schedule IX is as follows:

ANNEXURE -H

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS

NOTIFICATION

No.DPAR 105 SRD 2014, Bengaluru, Dated:10.07.2019.

Whereas the draft of the Karnataka Government Secretariat Services (Recruitment) Rules, 2019, which the Government of Karnataka proposes to make in exercise of the powers conferred by section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) was published as required by clause (a) of sub-section (2) of section 3 of the Karnataka State Civil Services Act, 1978 in Notification No. DPAR 105 SRD 2014, in part IVA (PR No. 195) of the Karnataka Gazette dated 23.05.2019 inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of its publication in the Official Gazette.

Whereas, the said Gazette was made available to the public on 23.05.2019.

And Whereas objections and suggestions received in this behalf have been considered by the Government.

Now, therefore in exercise of the powers conferred by sub section (1) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) the Government of Karnataka hereby makes the following rules.

These rules may be called the "Karnataka Government Secretariat Services (Recruitment) Rules, 2019."

SCHEDULE - IX

TECHNICAL CELL IN THE FOREST, ECOLOGY AND ENVIRONMENT DEPARTMENT

Sl. No.	Category of Post and the scales of pay	Number of Posts	Method of Recruitment	Minimum Qualification
(1)	(2)	(3)	(4)	(5)
1.	**Director (Technical Cell)** (Rs.67550-104600)	1	By deputation of an officer holding a post in an equivalent grade in a University established by Law in India or Scientific institution of National Importance; Or By Posting of an Additional or Joint Secretary to Government, from the Karnataka Government Secretariat or by deputation of an Officer from the Karnataka Administrative Service.	**For Deputation or posting.-** (1) Must possess a First class Masters Degree in Environmental engineering and if a suitable person is not available, the persons who hold First Class Masters Degree in any other branch of Engineering or Science may be considered: Provided that, preference shall be given to a person possessing a doctorate degree in Engineering or Science (2) Must have an experience of at least ten years in the field of research in a University established by Lae in India or in a Scientific Institution of National importance.
2	**Scientific Officer Grade-I (Biological Sciences of Horticulture** Rs.52650-97100)	1	By deputation from the cadre of Lecturers or Assistant Professors of a University established by law in India or an officer holding a post in an equivalent grade in the Department of Agriculture or Fisheries;	**For Deputation or posting.-**Must possess a First Class Master's degree in Biology or Zoology or Genetics or Microbiology or Bio-Chemistry of Bio-Technology or Agricultural Sciences.

15. The petitioner's appointment to the post of Director (Technical Cell) cannot be said to be a simple order of deputation. The Apex Court in the case of ***Union of India and Another v S.N. Maity and Another***[1] while considering the case of S.N.Maity, who was working as a Scientist in the Central Mining Research Institute and was subsequently appointed by the President of India on deputation to the post of Controller General of Patents, Design, and Trademarks for a period of 5 years or until further orders after undergoing a selection process and recommendation by the UPSC, was repatriated to his parent department after serving for only one year in the post. In the context of challenge to such order, the Apex Court at para 13 has held as under:

> *"13. In the above backdrop, this Court made a distinction between "transfer on deputation" and "appointment on deputation" and proceeded to lay down thus: (Ashok*

[1] (2015) 4 SCC 164

Kumar Ratilal Patel case [Ashok Kumar Ratilal Patel v. Union of India, (2012) 7 SCC 757 : p. 762, paras 14-15)

…

15. The present case is not a case of transfer on deputation. It is a case of appointment on deputation for which advertisement was issued and after due selection, the offer of appointment was issued in favour of the appellant. In such circumstances, it was not open for the respondent to argue that the appellant has no right to claim deputation and the respondent cannot refuse to accept the joining of most eligible selected candidate except on ground of unsuitability or unsatisfactory performance."

.....

15. The controversy that has emerged in the instant case is to be decided on the touchstone of the aforesaid principles of law. We have

already opined that it is not a case of simple transfer. It is not a situation where one can say that it is a transfer on deputation as against an equivalent post from one cadre to another or one department to another. It is not a deputation from a Government Department to a Government Corporation or one Government to the other. There is no cavil over the fact that the post falls in a different category and the first respondent had gone through the whole gamut of selection. On a studied scrutiny, the notification of appointment makes it absolutely clear that it is a tenure posting…"

16. Thus, in terms of Annexure-B read with Annexure-N passed under the Rules, it is clear that the petitioner has been 'appointed on deputation' to the post of Director (Technical Cell), which is in contra-distinction with posting by way of transfer on deputation. Such conclusion is to be arrived at, as the petitioner's posting is by way of orders in exercise of the recruitment Rules which enable posting by way of appointment.

17. We now consider the tenure of such appointment and if it can be curtailed. The post is a permanent post to be filled as per the Rules. The Rules by themselves do not stipulate a tenure. However, by way of an order of appointment vide Annexure-B read with Annexure-N, the tenure is one year or until further orders whichever is earlier. Thus, posting of the petitioner is for a specific tenure. Though by such stipulation the post cannot be classified as a 'tenure post', however, the posting of the petitioner is for a tenure i.e., one year or until further orders whichever is earlier.

18. Further, to confirm the nature of post of Director (Technical Cell), we may turn to the Karnataka Civil Service Rules, 1958, which defines a 'Tenure Post' as follows:

> *"8(47) 'Tenure Post' :- means a permanent post which an individual Government servant may not hold for more than a limited period without reappointment. In case of doubt*

Government will decide whether a particular post is or is not a tenure post;

8(34) 'Permanent Post' :- means a post carrying a definite rate of pay sanctioned without limit of time."

19. On perusal of Annexure-'B' and 'N', and Schedule IX of the Rules, it is clear that the nature of petitioner's appointment is that of appointment on deputation on a tenure basis to a permanent post.

20. The Apex court in ***P. Venugopal v. Union of India***[2] in considering the curtailment of tenure of the Director of All India Institute of Medical Sciences, held as under:

"32. … "tenure" means a term during which office is held. It is a condition of holding the office. Once a person is appointed to a tenure post, his appointment to the said post begins when he joins and it comes to an end on the completion of tenure unless curtailed on

[2] (2008) 5 SCC 1

justifiable grounds. Such a person does not superannuate, he only goes out of the office on completion of his tenure.

(emphasis supplied)

21. The words 'till further orders' are preceded by a fixed tenure of one year, a meaningful interpretation of 'one year' or till further orders whichever is earlier would be that the period of one year would in normal circumstance be a fixed tenure though the same could be curtailed.

22. Effectively, tenure is for a period of one year in terms of Annexure-P. Though additional words used "until further orders whichever is earlier," the said words do not have the effect of conferment of unguided power to curtail the tenure of one year. The interpretation in ***P. Venugopal (supra)*** could be extended to the present case as though the post is not a tenure post, but the posting is for a tenure to a sanctioned post. As the posting is for a tenure, it could be held that the

curtailment of tenure could be on 'justifiable grounds'. Such approach would also require to be adopted in light of the interpretation as regards tenure at para 19.

23. Though the petitioner's appointment at Annexure-N states the appointment to be on a contractual basis, it is not contractual in nature. The Apex court in the case of ***K. Anbazhagan and Another v. Registrar General, High Court of Madras and Another***[3] in considering the claim of the appellants, who were lawyers appointed as Fast Track Court Judges in the State of Tamil Nadu for a term of five years, which was extended and later sought for absorption in the regular cadre, had occasion to analyse the characteristics of contractual employment in service jurisprudence. The Apex Court observed as follows:

> *"34. In service jurisprudence, the appointments are made by the employer with different nomenclature/ characteristics.*

[3] *(2018) 9 SCC 293*

Appointments are made both on permanent or temporary basis against permanent post or temporary post. The appointment can also be made on ad hoc basis on permanent or temporary post. There is one common feature of appointments of permanent, temporary or ad hoc appointment i.e., those appointments are made against the post whether permanent or temporary. On the contrary, for contractual appointment, there is no requirement of existence of any post. A contractual appointment is not normally made against a post. Further, contractual appointments are also not normally on pay scale. On the mere fact that the advertisement as well as the appointment was made initially for a period of five years, the nature of appointment of the appellants cannot be termed as contractual appointment. When a government servant is contemplated to hold a certain post for a limited period it is a tenure post."

(emphasis supplied)

24. As the appointment of the petitioner to the post of Director (Technical Cell) is in terms of the Karnataka

Government Secretariat Services (Recruitment) Rules, 2019, in terms of the Rules that have been notified on 10.07.2019, as Schedule IX provides for appointment by deputation against a permanent post on a sanctioned pay scale, his appointment cannot be said to be contractual in nature.

25. Further, once the appointment is in terms of the Rules, such appointment which permits an outside employee to be posted as Director (Technical Cell) in the organization cannot be construed to be transfer on deputation. Though the Rules does employ the word 'deputation', meaning thereby a posting by deputation, the posting of an outside employee in terms of the recruitment Rules must in fact be construed to be an appointment.

26. The Rule presupposes the following of a procedure while making such appointment. Such appointment as reflected in the orders at Annexure-B read with Annexure-N, cannot be construed to be an order of

deputation akin to that of deputing a civil servant from one Department of the Government to the other, or from the Government to a Local Body. In the present case, the petitioner being employed in a private engineering college, i.e., BMS Engineering College, which is not a Department of Government, but a University, is by virtue of the Rules allowed a lateral entry to the post of a senior official, i.e., Director (Technical Cell).

27. While a deputationist may not normally have an indefeasible right to continue, though law does extend protection against arbitrariness, the posting of the petitioner as described above would confer further qualitative protection by virtue of it being a deputation by appointment and not a deputation by transfer.

28. A further protection available to such an appointee is that the State deals with the petitioner in a fair manner without any arbitrary exercise of power.

29. The appointment secures a tenure which is 'one year or until further orders whichever is earlier'. The curtailment of tenure below one year cannot be resorted to without justifiable grounds and cannot be done in an arbitrary or capricious manner. This is substantiated by the observations of the Apex Court in the case of ***S.N Maity (supra)*** wherein the Apex Court has held as follows:

> "15. … *and the fixed tenure is five years unless it is curtailed. But, a pregnant one, this curtailment cannot be done in an arbitrary or capricious manner. There has to have some rationale. Merely because the words "until further orders" are used, it would not confer allowance on the employer to act with caprice."*
>
> **(emphasis supplied)**

30. Such protection flows also from the duty of the State to deal with its employee consistent with rights conferred under Article 14. The rights of the petitioner

against arbitrary action no doubt cannot be interpreted in a manner so as to alter terms of the contract/orders of appointment and interpretation placed herein on the orders of Annexure-B and Annexure-N. Keeping in mind the observations of the Apex Court in ***S.N Maity's (supra),*** interpretation placed herein cannot be construed to rewriting the terms of appointment made under the recruitment Rules.

31. In the present case, the replacement of the petitioner by the fourth respondent is with immediate effect and factually, the petitioner has been displaced contemporaneous to the order at Annexure-A. However, the order at Annexure-A does not assign any reason for displacing the petitioner which would fall within the description of arbitrary or capricious.

32. Any effort to read into the order at Annexure-A reasons extraneous to the order would be impermissible in light of the dicta that an order must speak for itself and

cannot be enlarged or extended to include reasons that may emanate from affidavits or pleadings in light of the law laid down in the case of ***Mohinder Singh Gill and Another v The Chief Election Commissioner, New Delhi and others***[4] where the Apex Court pithily held "*orders are not like old wine becoming better as they grow older*".

33. In light of discussion made above, the point for consideration is answered in the negative, the order at Annexure-A requires to be set aside and the petitioner is to be reinstated with continuity in service and all emoluments as would be attached to the post for the period between the date of the impugned order till the date of reinstatement. Such direction is passed in light of the petitioner being summarily displaced by an order that has not stood legal scrutiny and has resulted in a Senior

[4] (1978) 1 SCC 405

Officer being displaced in an impermissible and arbitrary manner.

34. However, it is clarified that the further relief sought for by the petitioner for extension of his services till 26.01.2028 would not arise. The order of BMS college of Engineering at Annexure-J whereby the petitioner has been relieved for a period of three years with a lien on his post would bind only the BMS College of Engineering vis-à-vis the petitioner and would not create a right of further employment in the Government Department beyond the tenure at Annexure-P.

35. Accordingly, the following:

ORDER

The petition is allowed in part.

The impugned order at Annexure-A is set aside. The petitioner would be entitled to continue in service till 27.01.2027. In light of his being relieved of duties, he is entitled for reinstatement and entitled to pay from the

date of the impugned order till date. The direction for reinstatement to be adhered to forthwith and in any event not later than one week from today. Further, he is permitted to continue on same terms till the tenure as conferred as per the order at Annexure-P.

Accordingly, the petition is disposed of.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

NP/-