

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE SANJAY DWIVEDI**

**ON THE 18<sup>th</sup> of OCTOBER, 2024**

**Writ Petition No.23971 of 2024**

**SARBAN SINGH**

**Vs.**

**STATE OF MADHYA PRADESH AND OTHERS**

---

**Appearance**

*Shri Rishabh Singh – Advocate for the petitioner.*

*Shri Girish Kekre – Government Advocate for the respondents/State.*

*Shri Vikas Mishra – Advocate for respondent No.3.*

---

*Reserved on : 30.09.2024*

*Pronounced on : 18.10.2024*

**ORDER**

Since pleadings are complete, therefore, with the consent of learned counsel for the parties, the petition is heard finally.

2. By the instant petition filed under Article 226 of the Constitution of India, the petitioner is assailing the validity of order dated 06.08.2024 passed by respondent No.1 whereby his services have been repatriated to his parent department i.e. Water Resources Department. Although, in the relief claimed, the petitioner has only assailed the order dated 06.08.2024 (Annexure-P/1), but at the same time, he has criticized another order issued on 06.08.2024 (Annexure-P/2) whereby the charge held by him has been assigned to respondent No.3.

3. As per facts of the case, the petitioner who is substantively holding the post of Superintending Engineer in Water Resources Department was sent on deputation in the department of respondent No.1 i.e. Narmada Valley Development Department. Vide order dated 16.02.2024 (Annexure-P/3), the petitioner got transferred from the office of Superintending Engineer (Design), Narmada Vikas Manda Kramank-1 Sanawad to the office of Chief Engineer, Rani Avantibai Lodhi Sagar Pariyojna Bargi Hills, Jabalpur and also directed to hold the additional charge of the vacant posts of Chief Engineer of the said office.

3.1 The grievance as has been raised in this petition is in respect of order dated 06.08.2024 (Annexure-P/1) issued against the petitioner repatriating his services to his parent department i.e. Water Resources Department and also against another order issued on the same day i.e. 06.08.2024 (Annexure-P/2) whereby the charge held by the petitioner was assigned to respondent No.3, who is also holding the post of Superintending Engineer substantively in Rani Avantibai Lodhi Sagar Pariyojna Bargi Hills, Jabalpur and already having the additional charges of three other posts.

3.2 As per the petitioner, he was given the aforesaid charge by issuing an order dated 16.02.2024 temporarily and thereafter, vide order dated 14.03.2024 (Annexure-P/6), he was relived from the additional charge of the post of Chief Engineer, Upper Narmada Zone, Jabalpur. Subsequently, vide order dated 15.03.2024 (Annexure-P/7), the petitioner was assigned the additional charge of the post of Superintending Engineer, Narmada Vikash Mandal, Mandla.

3.3 According to the petitioner, respondent No.3 faced an enquiry for serious charges levelled against him which were found proved and in this regard, an order was issued on 23.07.2024 (Annexure-P/8) whereby a

punishment of withholding of two annual increments with non-cumulative effect was inflicted upon respondent No.3 under Rule 10 of the MP Civil Services (Classification, Control and Appeal) Rules 1966.

3.4 The petitioner is criticizing the action of the respondents saying that respondent No.3 is substantively holding the post of Superintending Engineer and already suffering penalty of the charges of misappropriation of Government funds, but despite that because of his connections with the higher officers of the department, he was given the additional charge. As per the petitioner, since he was an eyesore for respondent No.3, therefore, the impugned order repatriating his services to his parent department has been passed. According to the petitioner, when respondent No.3 is already suffering a punishment on the basis of charges of corruption and the department, in respect of other employees facing the charges of corruption and punishment, has already taken a decision to cancel the order of promotion, then there was no reason for the respondents to give additional charge to respondent No.3. As such, the petitioner is also challenging his relieving order dated 09.08.2024.

4. The respondents/State have submitted their reply stating therein that the petitioner is basically an employee of Water Resources Department and substantively holding the post of Superintending Engineer and was sent on deputation vide order dated 21.09.2015 to Narmada Valley Development Department. They have also filed the service book of the petitioner showing entries in respect of petitioner's deputation and also given details of his posting from one place to another and submitted that since the petitioner has completed his period of deputation, therefore, the order passed by the respondents repatriating his services to his parent department cannot be said to be illegal because claiming right to be continued on deputation is not proper. It is also stated in the reply that in

fact repatriation to parent department does not cause any prejudice to the employee, who has already completed his/her period of deputation. According to the respondents/State, the petition is without any substances and deserves to be dismissed.

5. Respondent No.3 has also filed reply to the petition and denied the allegations made by the petitioner. In the reply, respondent No.3 has tried to establish that the allegation of misappropriation of Government fund is absolutely incorrect. On the contrary, it is alleged in reply filed by respondent No.3 that the petitioner has been punished by the department and his one annual increment was stopped with non-cumulative effect. Further, vide order dated 28.09.2013, he was punished and his one annual increment was stopped with non-cumulative effect. It is also alleged in the reply that vide order dated 31.05.2013, a show-cause notice got issued upon the petitioner about proposing disciplinary action against him. Respondent No.3 in his reply has stated that it is not a case that the petitioner is having a clean service record and, therefore, additional charge has to be given to him. According to respondent No.3, the petition is without any substance and deserves to be dismissed.

6. Reiterating the facts as mentioned in the petition, the petitioner has also filed rejoinder.

7. However, during the course of arguments, it has been apprised to the Court that the petitioner in pursuance of his order of repatriation has been relieved to join the parent department.

8. Considered the facts and circumstances existing in the case and perused of record.

9. From the impugned order, it reflects that the petitioner was sent on deputation somewhere in the year 2015 and now after completing the

period of almost nine years, he has been repatriated to his parent department in the year 2024. It is a settled principle of law that the deputationist has no legal right to be continued on deputation for a specific period. However, taking into account the administrative exigency, the deputationist employee can be repatriated back to his/her parent department even before expiry of his/her period of deputation and it, any manner, cannot be considered to be illegal or a punishment. The Division Bench of this Court in **W.A. No.160/2013 [Brajesh (Bharti) Goswami Vs. The State of Madhya Pradesh]**, relying upon a case of Supreme Court reported in **(2005) 8 SCC 394 [Union of India through Govt. of Pondicherry and another Vs. V. Ramakrishnan and others]** and also upon a case of this Court reported in **2004 (II) MPJR 89 (DB) [Dr. S.M.P. Sharma Vs. State of M.P. and another]** has observed as under:-

**‘It is a well settled principle of law that a deputationist has no legal right to continue on the deputed post and on administrative consideration, he can be repatriated back even before the period of deputation is over, the same does not amount to any punishment, see [Union of India through Govt. of Pondicherry and another Vs. V. Ramakrishnan and others, (2005) 8 SCC 394 and Dr. S.M.P. Sharma Vs. State of M.P. and another, 2004(II) M.P.J.R. 89 (D.B.)]. In this case also, on administration consideration, petitioner is sent back to the parent department and in doing so, as no statutory right or legal provision is shown to be violated, we are not inclined to interfere into the matter.’**

10. In view of the aforesaid legal preposition, I am also of the opinion that in an administrative matter of the respondents whereby withdrawing the additional charge from the petitioner, if the same has been assigned to respondent No.3, no interference is warranted by this Court especially under the circumstance when neither any of the petitioner’s fundamental rights is being infringed nor any prejudice is being caused to him. However, if the petitioner in pursuance of his order of repatriation does not join the services to a place where he has been transferred so far, then it is

directed that for the intervening period, he shall be granted salary.

11. Accordingly, the petition being *sans* merit, is hereby **dismissed**.

**(SANJAY DWIVEDI)**  
**JUDGE**

dm