



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1469 of 2025

In the matter of an appeal under Section 10 of letter Patent of Patna High Court read with Article 4 of Orissa High Court Order, 1948 from the order dated 12.08.2025 passed by learned Single Judge in W.P.(C) No.22007 of 2025.

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Smruti Ranjan Mohapatra ***Appellant***

-versus-

1. State of Orissa represented through its Secretary, Revenue & Disaster Management Department

2. Director, Land Records & Survey and Consolidation, Odisha

3. Collector, Cuttack

**4. Settlement Officer, Cuttack
Major Settlement, Cuttack**

5. Tahasildar, Baranga

6. Tahasildar, Niali ***Respondents***

Advocates Appeared in this case

For Appellant - M/s. M.K. Mishra, Sr. Advocate
D.K. Mohapatra, R. Nayak, B.
Bariki, Advocates

For Respondents - Mr. S.B. Panda
Additional Government Advocate



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CORAM :

HON'BLE MR. JUSTICE KRISHNA SHRIPAD DIXIT
HON'BLE MR. JUSTICE CHITTARANJAN DASH

Date of Hearing & Judgment : 20.04.2026

PER KRISHNA S. DIXIT, J.

This Intra-Court Appeal by the Employee seeks to call in question a learned Single Judge's order dated 12.08.2025, whereby his W.P.(C) No.22007 of 2025 has been negatived. In the said petition, he had challenged the order of the Director of Land Records and Survey dated 23.06.2025, which reads as under:

“OFFICE-ORDER

The following Technical Staff now deployed for Hi-Tech Survey in the District of Cuttack are hereby stand relieved of their present duties with immediate effect from 23.06.2025 to enable them to join at their present place of posting i.e. Settlement Officer, Cuttack for expeditious completion of pending settlement work of SAMPUR VILLAGE of Bhubaneswar without availing transit.

<i>SL No.</i>	<i>Name of the employee</i>	<i>Designation</i>
<i>1</i>	<i>Sri Pravash Kumar Parida</i>	<i>Peskar</i>
<i>2</i>	<i>Sri Hemanta Kumar Biswal</i>	<i>Peskar</i>
<i>3</i>	<i>Sri Ajay Kumar Nayak</i>	<i>Peskar</i>
<i>4</i>	<i>Sri Smruti Ranjan Mohapatra</i>	<i>Peskar</i>



The Appellant figures at Sl. No.4. In the order dated 02.08.2025, whereby, his request for continuing in the deployed unit was turned down.

2. Learned Senior Counsel-Mr. Mishra appearing for the Appellant argues that the learned Single Judge wrongly construed the Resolution/Government Policy dated 31.01.2018, as permitting repatriation of the deployed employees being the prerogative of the employer; there is difference between deployment of an employee to another department or unit with intend to make him permanent employee thereof, and deputation of an employee of one department to another in the exigencies of the service; rejection of the Representation is wrong because the order of redeployment mentions the suspension of Employee.

3. Learned AGA-Mr. Panda vehemently opposes the appeal contending that though the word deployment has been used, it is nothing but a case of deputation and that in public service the employer is entitled to depute the employee from one department to another at his discretion and therefore, the order of the learned Single Judge is inexplicable.

4. Learned Senior Counsel-Mr. Mishra is right in drawing our attention to the Order No.547 dated 02.03.2019, whereby the pay and emoluments to the post of R.I. has been prescribed and the table of prescription reads as under:



“Consequent upon Resolution No.4172 dt.31.1.2018 and Collector, Cuttack d.1294 / Estt. Dt.29.4.2018 & letter no.387/Estt. Dt.2.1.2019 the pay of Sri Smruti Ranjan Mohapatra, Peskar, Settlement office, Cuttack who has been joined in Collectorate, Cuttack as Revenue Inspector i.e. 3.3.2018 A.N. and in this office dt.9.4.2018 is hereby fixed as follows w.e.f. dt.4.3.2018 in Pay level - 9 as per the pay matrix of 7th pay fixation under ORSP Rule, 2017 i.e.Rs.35400.00 with usual DA as admissible.

<i>Name of the employee with designation</i>	<i>The pay in the existing scale as on Dt.3.3.2018</i>	<i>Date of joining in the post of Revenue Inspector</i>	<i>Pay finally fixed</i>	<i>Date of fixation</i>	<i>Date of next increment</i>
<i>Sri Smruti Ranjan Mohapatra,R.I.</i>	<i>Pay 23100/- Level-5,Cell-3</i>	<i>3.3.2018 A.N.</i>	<i>Pay 35400/- Level-9, Cell-1</i>	<i>4.3.2018</i>	<i><u>4.3.2019</u> <u>1.3.2019</u></i>

5. Having heard learned counsel for the parties and having perused the appeal papers, we are inclined to grant indulgence in the matter for the following reasons:

5.1. The Resolution/Governmental Policy dated 31.01.2018 expressed and evolved vide paragraphs.4, 5 & 6 and that read as under:

“4. The above posts that are specifically created for the purpose of Hi-tech survey work shall continue under Revenue organization till retirement of the last employee in the bottom post of the cadre under Land Records & Survey and Consolidation Organization.

5. The lien of the employees shall not be suspended in the post under their original cadre on such deployment. Accordingly, promotion shall be considered as per the gradation list prepared on the basis of seniority in their



original cadre. After getting promotion in the original cadre, the employee shall be posted automatically against the equivalent post created in the Revenue Organization.

6. The pension of such employees on deployment after retirement on superannuation, death in harness, removal from service or otherwise shall be determined basing on the last presumptive pay to be arrived in the post had he/she continued under original cadre.”

It is abundantly clear that, the Resolution/Government Policy does not contemplate deputation, which extant Rules made; it intends the deployment to result in absorption of the deployed employees into the posts of R.I. inter alia on permanent basis. A lien is created in the deployed unit, and that lien in service jurisprudence is treated as the umbilical cord between the department and the deployed. Very importantly, the impugned order specifically states that the lien of the Employee is not suspended. That adds strength to the contention of Appellant herein. Once the lien continues, the redeployment is impermissible, although deputation is.

5.2. There is difference between deployment of an employee to another department or unit with intent to make the said department or unit, the parent unit or parent department. In such a case, deputation or transfer idea does not operate, more particularly, when the posts in which deployed employees are given the lien there, which shall wither away with the retirement of those deployed employees. It is relevant to mention the distinction between transfer and deputation as delineated by learned Author



Samaraditya Pal on Law Relating to Public Service, LexisNexis Publication in paragraph. 89.2 at page-416; that reads as under:

“89.2. Distinction between transfer and deputation

Deputation connotes service outside the cadre or outside the parent department in which an employee is serving whereas transfer is always limited to the equivalent post in the same cadre and in the same Department. This formulation by D.A. Desai, J. though fundamentally unexceptionable, suffers from slight inaccuracy when it refers to “Department” instead of ‘Organisation’. The Learned Judge pointed out two basic differences namely, transfer can be only to an equivalent post in the same cadre whereas deputation must be in another department where even equivalence may not have been determined; secondly, transfer is the power of the master and it is an incident of service whereas deputation can only be with the consent of the employee because the employee joined the organization to render his service there and he could not be made to serve somewhere else may be in a post much lower to his post. These observations in Bhagwati Prasad’s case were referred to with approval and applied by SABYASACHI MUKHARJI, J. sitting singly in the Calcutta High Court. The distinction has been succinctly brought out by a Division Bench of Madhya Pradesh High Court. It observed:

“It is well known that the deputation is a post of temporary duration outside home range or district and the person sent on deputation continues to look homeward for promotion or confirmation. The transfer is the antithesis and it must exhibit the opposite indications. See Avtar Singh v. Delhi Administration and others, ILR (1977) 2 Del 224.”(sic)

What applies to deployment of the kind needs to be differentiated from transfer on deputation. The above decision explicitly states the differences between these two. That is how the said decision assumes relevance in the context of the case.

5.3. Due to the redeployment of the repatriation of Appellant, he appears to have drawn salary in a bit lower pay scale and therefore, the same needs to be made good for the period during which he was repatriated. At the same time learned AGA-Mr. Panda is also to some extent right in contending that when an employee has not



worked in a particular post, he cannot be paid the salary in the pay scale admissible to the said post. However, the fact remains that the Employee could not work in the deployed department, in view of impugned orders that were challenged in the Writ Petition. Thus, it is a case of involuntary working in a different place to the disadvantage of the Employee. That being said, we are of the considered view that justice of the case warrants striking a golden balance between these two extreme arguments and that golden balance should be a direction for making good 50% of the differential pay to the Employee.

5.4. Very importantly, paragraph.6 of the subject Resolution/Government Policy provides that, pension of deployed employees after retirement on superannuation, death in harness or removal from service shall be determined basing on the last presumptive pay to be arrived in the post which he continued under the original cadre. Only for the limited purpose of terminal benefits, i.e., pension, the presumptive pay drawn in the department from which the employee has been deployed to another is kept intact in all other aspects. The umbilical cord of the employee with the parent department or unit is disrupted and is pested to the deployed department or unit.

In the above circumstances, this Appeal succeeds; the impugned order of the learned Single Judge is set at naught. A Writ of Certiorari issues quashing the orders impugned in the Writ



Petition. As a consequence, the Employee shall be continued in the deployed department forthwith. The Employee shall be handed 50% of the differential of the salary within a period of eight weeks, immediately. We make it clear that this order will not dilute the power of State Government to depute any of its employees from the deployed department to other departments, if it so desires.

Web copy of judgment to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge