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WP-1011-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND SINGH BAHRAWAT

ON THE 23rd OF SEPTEMBER, 2026WRIT PETITION No. 1011 of 2026*VIJAYENDRA PAL SINGH**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Pratip Visoriya - learned counsel for petitioner.

*Shri Kaushlendra Singh Tomar - learned Government Advocate for
respondent/State.*

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ORDER

This petition, under Article 226 of the Constitution of India, has been
filed seeking following relief(s):

- "1. That, the Impugned order dated 22.12.2005-2025 (Annexure P-1) passed by Respondent No.4 and approved by Respondent No.4, may kindly be quashed.
2. That, any other relief, including the cost of the petition, be given."

2. Learned counsel for the petitioner submits that the petitioner is substantively holding the post of Assistant Engineer in the Rural Engineering Services Department. After following the prescribed selection process and interview, the petitioner was selected for appointment on deputation on the post of General Manager in respondent No.2 Corporation and was accordingly appointed vide order dated 29.09.2020. It is further submitted that the initial appointment of petitioner was for a period of two years, with a



further provision that subject to satisfactory service, he could continue up to the age of 65 years. The petitioner has discharged his duties sincerely and satisfactorily. However, respondent No.4, with the approval of respondent No.3, issued the impugned order dated 22.12.2025, repatriating the petitioner to his parent Department without assigning any reason. It is further submitted that the impugned order is contrary to the terms and conditions of the appointment order and is a non-speaking order. The petitioner was selected through a proper selection process and there is no allegation of any unsatisfactory performance against him. Therefore, his repatriation before completion of the permissible tenure, without assigning any reason, is arbitrary and unsustainable in law. It is further submitted that reasons are required to be assigned even in administrative orders, particularly when such an order adversely affects the petitioner. Learned counsel places reliance upon the judgment of the Supreme Court in *Ashok Kumar Ratilal Patel v. Union of India & Ors.*, (2013) 1 MPLJ 3 and submits that in similar circumstances this Court has also stayed an order of repatriation vide order dated 25.04.2025 passed in W.P. No.14775/2025. Therefore, it is prayed that the impugned order dated 22.12.2025 may be quashed and allowed this petition.

3. *Per contra*, learned Government Advocate for respondents opposes the prayer made by learned counsel for petitioner and submits that petitioner is a deputationist and has no vested or fundamental right to continue on deputation. Deputation is a temporary arrangement and may be brought to an end in accordance with administrative exigencies or at the request of the



parent Department. In the present case, the parent Department itself requested repatriation of the petitioner. It is further submitted that the impugned order is a simpliciter order of repatriation and neither reduces the rank of the petitioner nor casts any stigma or imposes any adverse civil consequence upon him. Therefore, no prior notice or opportunity of hearing was required before passing the order. Learned Government Advocate submits that the petitioner's selection and appointment on deputation, or any extension of his deputation, does not create any vested right to continue in the borrowing Department up to the age of 65 years. The petitioner can be repatriated to his parent Department, where he continues to hold his substantive post. Reliance is placed upon the judgments of the Supreme Court in *Kunal Nanda v. Union of India*, (2000) 5 SCC 362, *Rameshwar Prasad v. M.D., U.P. Rajkiya Nirman Nigam Ltd.*, (1999) 8 SCC 381, *State of Punjab v. Inder Singh*, (1997) 8 SCC 372 and *Union of India v. Ramakrishnan*, (2005) 8 SCC 394, to submit that a deputationist has no vested right to continue on deputation and may be repatriated to his parent Department. It is, therefore, submitted that the impugned order is neither arbitrary nor violative of any statutory or fundamental right of the petitioner. The petitioner has misconstrued the terms of his deputation and has failed to establish any ground warranting interference under Article 226 of the Constitution of India. Accordingly, the petition deserves to be dismissed.

4. No other point is pressed by learned counsel for the parties.
5. Heard learned counsel for the parties and perused the record.
6. The Supreme Court in the case of *Kunal Nanda (supra)* has held as



under:

6. On the legal submissions also made there are no merits whatsoever. It is well settled that unless the claim of the deputationist for a permanent absorption in the department where he works on deputation is based upon any statutory rule, regulation or order having the force of law, a deputationist cannot assert and succeed in any such claim for absorption. The basic principle underlying deputation itself is that the person concerned can always and at any time be repatriated to his parent department to serve in his substantive position therein at the instance of either of the departments and there is no vested right in such a person to continue for long on deputation or get absorbed in the department to which he had gone on deputation. The reference to the decision reported in *Rameshwar Prasad v. M.D., U.P. Rajkiya Nirman Nigam Ltd.* [(1999) 8 SCC 381 : 2000 SCC (L&S) 60] is inappropriate since the consideration therein was in the light of the statutory Rules for absorption and the scope of those Rules. The claim that he need not be a graduate for absorption and being a service candidate, on completing service of 10 years he is exempt from the requirement of possessing a degree needs mention, only to be rejected. The stand of the respondent Department that the absorption of a deputationist being one against the direct quota, the possession of basic educational qualification prescribed for direct recruitment i.e. a degree is a must and essential and that there could be no comparison of the claim of such a person with one to be dealt with on promotion of a candidate who is already in service in that Department is well merited and deserves to be sustained and we see no infirmity whatsoever in the said claim.

7. The Supreme Court in the case of *Union of India v. V. Ramakrishnan*, (2005) 8 SCC 394 has held as under:

32. Ordinarily, a deputationist has no legal right to continue in the post. A deputationist indisputably has no right to be absorbed in the post to which he is deputed. However, there is no bar thereto as well. It may be true that when deputation does not result in absorption in the service to which an officer is deputed, no recruitment in its true import and significance takes place as he is



continued to be a member of the parent service. When the tenure of deputation is specified, despite a deputationist not having an indefeasible right to hold the said post, ordinarily the term of deputation should not be curtailed except on such just grounds as, for example, unsuitability or unsatisfactory performance. But, even where the tenure is not specified, an order of reversion can be questioned when the same is mala fide.

8. The relevant extract of order dated 29.9.2020 issued by Chief General Manager (Administration), Madhya Pradesh Rural Road Development Authority Bhopal is quoted below for ready reference and convenience:

"3. महाप्रबंधक पद पर संविदा आधार पर 2 वर्ष हेतु नियुक्ति दी जा सकेगी, जिसे संविदा अधिकारी का कार्य संतोषजनक पाये जाने पर आवश्यकतानुसार 65 वर्ष की आयु तक प्रतिवर्ष निर्धारित प्रक्रिया अनुसार सक्षम अधिकारी मुख्य कार्यपालन अधिकारी द्वारा बढ़ाया जा सकेगा। संविदा नियुक्ति के संबंध में प्राधिकरण की साधिकार समिति/कार्यकारणी समिति तथा शासन द्वारा समय-समय पर दिये गये निर्देश प्रभावशील होंगे। साधिकार समिति/कार्यकारणी समिति द्वारा अनुमोदित निर्देशों का अवलोकन म.प्र. ग्रामीण सड़क विकास प्राधिकरण मुख्यालय में किया जा सकता है।

4 सेवानिवृत्त उपरांत संविदा पर नियुक्त उक्त अधिकारियों की नियुक्ति/कार्यभार ग्रहण के पश्चात् संविदा नियुक्ति अवधि में सेवानिवृत्ति के पूर्व नियमित नियुक्ति के कार्यकाल संबंधी लोकायुक्त/ई.ओ.डब्ल्यू के अपराधिक प्रकरण पंजीबद्ध होने तथा विभाग द्वारा विभागीय जाँच के प्रकरण संस्थित होने की स्थिति में अथवा दंड अध्यारोपित होने पर तत्काल प्रभाव से संविदा नियुक्ति समाप्त की जावेगी।

5 उपरोक्त पदों पर की जा रही नियुक्ति इस पद के चयन हेतु जारी की गई विज्ञप्ति में उल्लेखित अन्य शर्तों के अधीन होगी।

6. निर्धारित प्रक्रिया अनुसार चयन उपरांत नियुक्ति आदेश जारी होने के पश्चात 15 दिवस में कार्यभार ग्रहण करना होगा। "

9. The relevant portion of letter written by Chief Engineer, Rural Engineering Services, Bhopal, Madhya Pradesh to Chief Executive Officer,



Madhya Pradesh Rural Road Development Authority, Vikas Bhawan is quoted below for ready reference and convinience:

"कृपया विषयांतर्गत संदर्भित परिपत्र एवं पत्र का अवलोकन करने का कष्ट करें।

संदर्भित परिपत्र क्रमांक-1 प्रतिनियुक्ति पर अन्य विभागों में दी गई सेवाओं की अवधि बढ़ायी जाने एवं वापिस लिए जाने हेतु जारी दिशा-निर्देशों के अनुक्रम में संदर्भित पत्र क्रमांक-2 द्वारा ग्रामीण यांत्रिकी सेवा के अंतर्गत पदस्थ कार्यपालन यंत्री/सहायक यंत्री/उपयंत्री जो आपके अधिनस्थ 02 वर्षों से अधिक प्रतिनियुक्ति पर पदस्थ है कि जानकारी उपलब्ध कराई गई है।

श्री व्ही.पी. सिंह (विजेन्द्र पाल सिंह), सहायक यंत्री, ग्रामीण यांत्रिकी सेवा प्रतिनियुक्ति पर दिनांक 12.02.2001 से आपके अधिनस्थ पदस्थ है।

उक्त शासन नियमानुसार श्री सिंह विगत 25 वर्षों से आपके कार्यालय अंतर्गत पदस्थ है। ग्रामीण यांत्रिकी सेवा में वरिष्ठ एवं अभियंताओं की वर्तमान में कमी होने के कारण इनकी प्रतिनियुक्ति पर दी गई सेवाएं शीघ्र मूल विभाग ग्रामीण यांत्रिकी सेवा को प्रत्यावर्तित करने की कार्यवाही करने का कष्ट करें, ताकि विभागीय योजनाओं का क्रियान्वयन सुचारु रूप से कराया जा सकें।"

10. It is a settled principle of law that a deputationist has no vested or fundamental right to continue on deputation. A deputationist can be repatriated to his parent Department, particularly when no statutory rule has been violated and the order of repatriation is neither arbitrary nor mala fide. The order of repatriation neither reduces the rank of the petitioner nor imposes any stigma or adverse civil consequence upon him. Therefore, no prior notice or opportunity of hearing is required before passing such an order. Deputation is a purely temporary arrangement and is subject to administrative exigencies. The petitioner, therefore, cannot claim continuation on deputation as a matter of right. The borrowing Department is



competent to repatriate a deputationist whenever administrative exigencies so require, particularly when the parent Department itself seeks his repatriation. The petitioner has misconstrued the terms of his appointment. Mere extension of the period of deputation does not confer any permanent or vested right upon the petitioner to continue on deputation indefinitely or up to the age mentioned in the appointment order. Where the parent Department desires to take back its employee, the deputationist can be repatriated to the parent Department. Since the impugned order is merely an order of repatriation and does not cast any stigma or cause any adverse civil consequence, no interference by this Court is warranted.

11. The Supreme Court in *Kunal Nanda (supra)*, has clearly held that the basic principle underlying deputation is that the employee can be repatriated to his parent Department at the instance of either Department and that a deputationist has no vested right to continue on deputation. The aforesaid principle squarely applies to the facts of the present case.

12. The contention of learned counsel for the petitioner that the petitioner had a right to continue on the post till attaining the age of 65 years, in view of the terms of the order dated 29.09.2020, also cannot be accepted. The record clearly demonstrates that the petitioner was appointed on the post of Mahaprabandhak purely on Samvida (contractual) basis and such appointment was specifically made for a period of two years and the aforesaid contractual period was already expired on 29.9.2022. The order itself contemplates that the contractual appointment could be extended only in accordance with the prescribed procedure and subject to satisfactory



performance and approval of the competent authority. Furthermore, there is no document (agreement/ extension order) on record filed by the petitioner which could explain as to under what terms and conditions his contractual term stood extended further. Thus, the petitioner was never appointed against the said post on a regular or permanent basis. The mere prescription of an age limit or a provision enabling extension of the contractual tenure cannot be construed as conferring an indefeasible right upon the petitioner to continue in service up to the age of 65 years. His right to continue was confined to the contractual tenure and was always subject to the terms and conditions of the Samvida appointment and the decision of the competent authority. Consequently, the petitioner cannot claim continuation on the post as a matter of right merely on the ground that he had been permitted to continue beyond the initial period or that his services had earlier been extended.

13. In the present case, the record shows that the parent Department has requested the respondent-authority to repatriate the petitioner on the ground that there is a shortage of experienced and senior Engineers in the Rural Engineering Services Department and that his services are required there for proper implementation of departmental schemes. Thus, the repatriation of the petitioner is based upon administrative requirement and cannot be said to be arbitrary or mala fide.

14. The contention of learned counsel for the petitioner that the impugned order is non-speaking and has been passed without assigning any reason also does not persuade this Court. The impugned order is a simpliciter order of repatriation. It neither casts any stigma upon the petitioner nor



reduces his rank or adversely affects his substantive status. The petitioner continues to hold his substantive post of Assistant Engineer in his parent Department. Therefore, the principles of natural justice requiring a prior notice or opportunity of hearing are not attracted in the facts of the present case.

15. The submission that the petitioner was selected through a prescribed process and that his services were satisfactory also does not create any vested right in his favour to continue on deputation. Similarly, the fact that his deputation was extended from time to time cannot be construed as a promise of continuation up to the age of 65 years. Such continuation remains subject to the terms of the appointment as well as administrative exigencies.

16. The judgment relied upon by learned counsel for the petitioner in *Ashok Kumar Ratilal Patel v. Union of India & Ors., 2013 (1) MPLJ 3*, does not assist the petitioner in the facts of the present case. The petitioner has not demonstrated any statutory rule having the force of law which creates an enforceable right in his favour to continue on deputation up to the age of 65 years. On the other hand, the judgment in *Kunal Nanda* (supra) directly deals with the legal position governing deputation and clearly recognises the right of repatriation to the parent Department.

17. So far as the order dated 25.04.2025 passed in W.P. No.14775/2025 is concerned, an interim order passed in another case cannot, by itself, confer any legal right upon the petitioner, particularly when the facts and circumstances of the said case have not been shown to be identical to the present case.



18. Considering the aforesaid discussion, this Court is of the view that the petitioner has failed to establish any vested or statutory right to continue on deputation. The impugned order dated 22.12.2025 is a simpliciter order of repatriation, passed in the backdrop of the request made by the parent Department and its administrative requirement. No mala fide or violation of any statutory provision has been established.

19. Consequently, no ground is made out for interference with the impugned order dated 22.12.2025 in exercise of jurisdiction under Article 226 of the Constitution of India.

20. Accordingly, the present petition is dismissed. No order as to costs.

(ANAND SINGH BAHRAWAT)
JUDGE

Ahmad