

IN THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT
BANGALORE

DATED, THIS THE 19th DAY OF NOVEMBER, 2019

BEFORE

HON'BLE Dr. JUSTICE K.BHAKTHAVATSALA, CHAIRMAN

APPLICATION NO.5038/2019

BETWEEN

V.L.CHANDRASHEKAR,
Son of V.M.Lingaiah,
Aged about 57 years,
Working as Assistant Agricultural Officer,
Office of Assistant Director of Agriculture,
Maddur Town, Mandya District,
Residing at Vaidyanathapura,
Alur Post, Maddur Taluk,
Mandya District

APPLICANT

(By Sri Girish Bandi, Advocate)

AND

1. THE STATE OF KARNATAKA,
represented by the Secretary to Government,
Horticulture and Sericulture Department,
Vikasa Soudha,
Bengaluru - 560 001
2. THE STATE OF KARNATAKA,
represented by the Secretary to Government,
Agriculture Department, M.S.Building,
Bengaluru - 560 001
3. THE COMMISSIONER,
Agriculture Department,
Sheshadri Road,
Bengaluru - 560 009

4. THE ASSISTANT DIRECTOR,
Agriculture Department,
Maddur Taluk,
Mandya District – 571 401

RESPONDENTS

(By Sri V.Shiva Reddy, Government Pleader)

This Application is filed under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the Order dated 20.7.2019 at Annexure A-6 on the file of Respondent No.4 and for direction to Respondent No.4 to continue the Applicant in the present post as Agriculture Officer, Office of the Assistant Director of Agriculture, Maddur Town, Mandya District until his retirement.

This Application coming up for Hearing and the same having been heard and reserved for pronouncement of order, this day, the **Hon'ble Chairman** made the following

ORDER:

Applicant's case is that he joined service in Sericulture Department as Demonstrator and had put in more than 25 years in Sericulture Department; that during 2014 Applicant, along with 466 Demonstrators, were deputed to other Departments, viz., Rural Development & Panchayat Raj, Agriculture, Sugarcane and Horticulture; that Applicant was deputed to Agriculture Department to work in the office of Assistant Agriculture Officer, Maddur, Mandya District, where he reported for duty on 14.2.2014 and since then he is working in the said office; that by Government order dated

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12.2.2016 at Annexure A-1 the services of Applicant and similarly situated employees were sought to be withdrawn from departments to which they were deputed; that the said order of repatriation was challenged by Applicant and others in Applications No.2429-2455/2016 and connected cases, wherein this Tribunal granted an interim order on 24.3.2016 and in pursuance of the said interim order Applicant was continued on deputation and on 19.3.2018 the said Applications came to be dismissed for non-prosecution. The grievance of the Applicant is that by the impugned order dated 20.7.2019 at Annexure A-6, Respondent No.4 has repatriated the services of Applicant to his parent Department with direction to report before the Sericulture Development Commissioner; that Applicant submitted representation on 7.8.2019 (Annexure A-7 to A-9) to Respondents to continue his services on deputation in Agriculture Department at Maddur, but in vain and hence he has filed the present Application praying for quashing the Order dated 20.7.2019 at Annexure A-6 on the file of Respondent No.4 and for direction to Respondent No.4 to continue the Applicant in the present post as Agriculture Officer, Office of the Assistant Director of

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Agriculture, Maddur Town, Mandya District, until his retirement.

2. Learned counsel for the Applicant contended that the impugned relieving order passed by Respondent No.4 is illegal and without jurisdiction as there is no order of repatriation by higher authorities like the Government or the Commissioner of Horticulture; that Applicant is subjected to discrimination as 85 Demonstrators are continued in Agriculture Department in pursuance of order dated 1.6.2019 issued by Respondent No.2; that non-consideration of representations of Applicant is arbitrary.

3. On the other hand, learned Government Pleader contended that by order dated 20.12.2013 (Annexure R-1) Applicant along with others was deputed to Agriculture Department for a period of two years to work as Assistant Agricultural Officer and Applicant was posted to Maddur under the control of Respondent No.4, where Applicant reported for duty on 14.2.2014 (Annexure R4); that as per Government Order dated 12.2.2016 (Annexure R-5), Applicant and others were repatriated to Sericulture Department and as per

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Government Order dated 22.6.2016 (Annexure R-6) Applicant was posted to Technical Service Centre, Doddaballapur, Bangalore Rural District, consequent to which by order dated 23.3.2019 (Annexure R-7) the Joint Director of Agriculture, Mandya, relieved the Applicant from duties to enable him to report in his parent department, but the Applicant refused to receive the said relieving order and hence the relieving order was sent to his residential address by Registered Post, but the registered cover also has not been received by him and in the circumstances the Joint Commissioner of Agriculture, Maddur by the impugned order dated 20.7.2019 has repatriated the services of the Applicant to his parent department, since the Applicant has completed more than five years tenure on deputation; that the interim order granted in Applications No.2429-2455/2016 is of no avail to the case of the Applicant, as the very Applications have been dismissed by this Tribunal by order dated 19.3.2018 (Annexure R-10). Further, the present Application was filed on 19.8.2019 and by order dated 22.8.2019 the interim prayer was rejected. Thus, so far there is no interim order in favour of the Applicant. Subsequently, by Order dated 7.9.2019 (Annexure R-11) the Commissioner



of Agriculture has repatriated services of Applicant and 18 others to their parent department with a direction to report before the Commissioner, Sericulture Department and there is no merit in the Application.

4. In view of the above contentions, the point that arises for consideration is:

Whether the impugned order of repatriation calls for interference?

5. My answer to the above point is in the negative for the following reasons:

6. Admittedly, the parent department of the Applicant is Sericulture. As per Government order dated 20.12.2013 (Annexure R1) he along with 319 others was sent on deputation to Agriculture Department for a period of two years and in that process Applicant was posted to the office of Assistant Agriculture Officer, Maddur, Mandya District, and he reported at the deputed place on 14.2.2014 (Annexure R4). On completion of tenure of deputation, by Government order dated 22.6.2016 (Annexure R-6), services of some Sericulture Demonstrators were retained in Agriculture Department on

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the basis of requirement and some were repatriated to parent department including the Applicant and in that process Applicant was posted to Technical Service Centre, Doddaballapur, Bangalore Rural District. Consequently, by order dated 23.3.2019 (Annexure R-7) passed by the Joint Director of Agriculture, Mandya, Applicant was relieved from duties to enable him to report in his parent department. The contention of Respondents is that the Applicant refused to receive the said order and hence the same was sent to his residential address by Registered Post, but the registered cover came to be returned and in the circumstances the Joint Commissioner of Agriculture, Maddur by the impugned order dated 20.7.2019 has repatriated the services of the Applicant to his parent department.

7. As per Rule 50 of Karnataka Civil Services Rules the maximum period of deputation is five years. The Applicant has completed the maximum tenure.

8. The interim order dated 24.3.2016 granted by this Tribunal in Applications No.2429-2455/2016 on which the Applicant has placed reliance is of no avail to the case of the

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Applicant, as the very Applications have been dismissed by this Tribunal by order dated 19.3.2018 (Annexure R-10).

9. Applicant has no vested right to insist that he be continued on deputation even after the expiry of the term in Agriculture Department. 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 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. {Relied on **KUNAL NANDA v. UNION OF INDIA, reported in (2000) 5 SCC 362 : AIR 2000 SC 2076**}.

10. The contention of the Applicant that he has been discriminated in the matter of repatriation, as several employees are still continued on deputation is legally untenable. Depending upon requirement of services of Agriculture Demonstrators in Agriculture and other Departments, services of some employees may have been continued there and the rest repatriated to parent



department. This Tribunal in exercise of judicial review cannot go into such aspect, particularly when the issue is a policy matter and involves large number of employees. It is not that Applicant alone has been repatriated - hundreds of employees are repatriated to parent department. Therefore, Applicant's contention regarding discrimination falls to the ground. Hence, I answer the point formulated for my consideration in the negative.

11. In the result, I pass the following order:

Application fails and the same is hereby rejected.