

Court No. - 37

Case :- WRIT - A No. - 15417 of 2023

Petitioner :- Anang Pal Singh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ramesh Pundir, Ritwik Saha

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin, J.

Heard.

Under challenge is the order dated 18.08.2023 passed by the respondent no. 2, a copy of which is annexure 1 to the petition as well as the list, a copy of which is annexure 3 to the petition, so far as it pertains to the petitioner whose name finds place at serial no. 18, whereby the petitioner has been sent on deputation from Consolidation Department to Revenue Department.

The contention of learned counsel for the petitioner is that Hon'ble Supreme Court in the case of **State of Punjab & others vs Inder Singh & others** reported in **(1997) 8 SCC 372** has categorically held that there can be no deputation without consent of the persons to be deputed.

The contention is that the petitioner has nowhere consented to be being transferred from Consolidation Department to Revenue Department and consequently the order impugned transferring the petitioner on deputation would run in teeth of the judgement of Supreme Court in the case of **Inder Singh (supra)**.

The other contention is that the petitioner has got less than 15 months left to his retirement and in terms of the office order dated 08.04.1997, a copy of which is annexure 6 to the petition, the respondents have themselves indicated that once a person attains the age of 55 years, consequently he cannot be deputed outside his cadre.

The matter requires consideration.

All the respondents are granted four weeks' time to file counter affidavit to which rejoinder affidavit may be filed within next two weeks.

List thereafter.

In the meanwhile, considering the law laid down by Hon'ble Supreme Court in the case of **Inder Singh (supra)** and the fact that the petitioner is being sent on deputation to Revenue Department without his consent as per specific averment made in paragraph 16 of the writ petition, until further order of the Court the operation of the order dated 18.08.2023 and list, so far as it pertains to the petitioner, shall remain stayed.

Order Date :- 15.9.2023

J. K. Dinkar