



Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 375 of 2018

Date of order: 29.10.2018

Shri Sanjeet Kumar Singh

Vs.

Union of India & Ors.

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. R. Jha, Adv.

For the Respondent(s) : Ms. A. Paul, ASG

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Oral:-

1. The petitioner in essence is claiming absorption to permanent post of Head Constable (Nursing Assistant) in terms of the Recruitment Rules 2013 and Standing Operating Procedure 2010, therefore, has prayed for issuing a direction in tune with paragraph 6 (f) of the Standing Operating Procedure 2010. The said paragraph is reproduced hereunder:

“(f) Absorption

Absorption of willing and eligible personnel will be considered prior to completion of their deputation period. Absorption will be considered according to their work performance during deputation and instructions of Govt. of India on the subject and will be subject to recommendation of Board of Officers.”

2. According to learned ASG, the writ petition is not maintainable as being premature. Buttressing the submission has relied on paragraph 6 (f) of the Standing Operating Procedure 2010 as quoted above, which in effect emphasizes that absorption will be considered prior to the completion of deputation period, the deputation of the petitioner in terms of order dated 02.08.2018 issued by the Office of Ministry of Home Affairs, Directorate General Border Security Force (Meghalaya Directorate), Govt. of India was to expire on 31.01.2018 but has been extended for two years upto



31.01.2020. It is during the said period, before completion of deputation the case of the petitioner is open to be considered according to his work performance, instructions of the Government of India on the subject and subject to the recommendation of the Board of Officers.

3. Precisely, according learned ASG there are more than two years of deputation during which period case of the petitioner is to be considered.

4. The apprehension of the petitioner according to the learned counsel for the petitioner is that the petitioner's case may not be considered and abruptly can be sent back to the original place of posting. The apprehension is not well founded because it is clear that the case of the petitioner is to be considered within the period of deputation in accordance with the terms of paragraph 6(f). It is made clear that until the case of the petitioner and necessary orders are passed as and when the respondents choose to do so before the expiry of period of deputation, the petitioner shall not be sent back to his original place of posting. It shall also be open to the petitioner to file representation which the respondents shall be legally obliged to consider.

5. Petition accordingly stand disposed of.

(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
29.10.2018
"Sylvana PS"