

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9423 of 2025
Date of Decision: 18.08.2025

Om Parkash		Petitioner
	Versus	
Dr. Y.S. Parmar University and Others		Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner:	Mr. K.S. Gill, Advocate, vice Mr. Ravi Tegta Advocate.
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For the Respondents:	Mr. Ramesh Kumar Sharma, Advocate, for respondent No.1.
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	Mr. Anup Rattan, Advocate General, with Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, with Mr. Ravi Chauhan, Deputy Advocate General, for State. No.2 & 3/State.
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Sandeep Sharma, Judge (oral):

Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Ravi Tegta, learned counsel representing the petitioner is that despite repeated requests, no action is being taken by the respondents for his repatriation to the parent department.

2. Vide order dated 03.09.2015, petitioner herein was sent on secondment basis to the office of Assistant Director of Fisheries, H.P. at Fish Farm, Nalagrah, District Solan. More than 10 years have passed, but till date, petitioner has not been repatriated to his parent department.

¹Whether the reporters of the local papers may be allowed to see the judgment?

3. In similar facts and circumstances, employee of the CSK Himachal Pradesh Krishi Vishvavidyalaya had approached this Court by way of CWP No.3196 of 2022, titled ***Uttam Chand Vs. Chaudhary Shrawn Kumar Himachal Pradesh Krishi Vishvavidyalaya***, wherein direction was issued to recall the services of the petitioner forthwith. Apart from above, this Court finds that a similarly situated person namely Anju Bala, who was earlier on secondment basis with the H.P. Board of School Education, has been ordered to be repatriated to her parent department on the intervention of the office of Hon'ble the Chief Minister of H.P.

4. Needless to say, no Government employee can be sent on secondment basis for an indefinite period. Appointment on deputation or secondment basis in other department is always for limited period. Though in terms of Recruitment & Promotion Rules of Department concerned, process can be initiated for absorption of an employee sent on deputation/secondment basis, but even in that case, option is required to be taken from the employee concerned. At this stage, it would be apt to take note of judgment passed by Division Bench of this Court in CWP No.7639 of 2019, titled ***Manoj Kumar Vs. Chaudhary Shrawan Kumar, H.P. Krishi Vishvavidyalaya***, decided on 15.12.2021, wherein it was held as under:

“It is rather shocking that the petitioner, who is merely a Beldar, has been kept on secondment basis for over a period of more than 7 years, that too posted at Una, whereas his parent department otherwise would have been the respondent-University. Not only this, a similar situate person one Anju Bala, who was earlier on secondment basis

with the H.P. Board of School Education, has been ordered to be repatriated to her parent department, though through the intervention of the office of Hon'ble the Chief Minister of H.P.

2. Why the step motherly treatment has been meted out to the petitioner is not at all forthcoming. After all, no person can be kept on second/deputation, for an indefinite period, that too contrary to her/his wishes.

3. Therefore, in the given facts and circumstances of the case, the present petition is allowed with a direction to the respondent to recall the services of the petitioner from secondment and repatriate him to his parent department forthwith."

5. Consequently, in view of the above, present petition is allowed with the direction to respondents to recall the services of the petitioner from secondment and repatriate him to his parent department forthwith, preferably, within a period of six weeks, from the date of receipt of copy of this order.

The present petition is disposed in the above terms, so also the pending miscellaneous application(s), if any.

**(Sandeep Sharma),
Judge**

August 18, 2025
(Rajeev Raturi)