



2026:AHC:32682

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18679 of 2025

Smt. Renu And 6 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Aditendra Singh, Vinod Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Aditendra Singh, learned counsel for the petitioners and Sri R.S. Umrao, learned Additional Chief Standing Counsel, who appears for State-respondents.

2. Instructions have been supplied by Sri R.S. Umrao, learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does not propose to file any further affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioners is that the writ petitioner nos. 1, 2 and 3 while posted are Head Constables and writ petitioner nos. 4 to 7 are Constables in U.P. Civil Police. According to the writ petitioners on 28.06.2023, an order came to be passed by the Superintendent of Police (First), U.P. Power Corporation Limited Shakti Bhawan, Lucknow sending the writ petitioners in the U.P. Power Corporation for a deputation for a period of two years. As per the writ petitioners on 05.07.2025, an order came to be passed transferring the writ petitioners to enforcement deemed (Pravartan Dal) and now by virtue of the order impugned dated 29.11.2025 passed by the Superintendent of Police (First), U.P. Power Corporation Limited Shakti Bhawan, Lucknow, the writ petitioners have been repatriated to their parent department.

4. Questioning the same, the writ petitioners has been filed the present writ petition.

5. Learned counsel for the writ petitioners has submitted that the order dated 29.11.2025 passed by the respondent no. 4 cannot be sustained for more than one reason. Firstly as per the Government order dated 07.12.2017, the term of the deputation is three years which has been unilaterally curtailed to two years. Secondly, in view of the judgment of the Hon'ble Apex Court in ***Prakash Singh v. Union of India and others; 2006 (8) SCC 1***. It is only the Police Establishment Board, it is authorized to take a decision regarding transfer or deputation and thus the order passed by the Superintendent of Police (First), U.P. Power Corporation Limited Shakti Bhawan, Lucknow is bereft of jurisdiction and authority and liable to be set aside.

6. Learned Standing Counsel while countering the submissions so made by the learned counsel for the writ petitioners on the other hand submits that first of all the order dated 29.11.2025 passed by the respondent no. 4 is an order communicating the decision taken by the Police Establishment Board seeking to repatriate the writ petitioners and secondly, though the Government orders stipulates three years period for deputation but it is always open for the Government to send the Police Personnel on deputation for a period of lesser than three years and being two years and to repatriate the same. Additionally it has been argued that the writ petitioners do not possess any legal right or authority to remain posted on deputation according to their own will.

7. I have heard learned counsel for the parties and gone through the records carefully.

8. Apparently, the writ petitioners happened to be Head Constables and Constables in U.P. Civil Police their cadre controlling authority vest in U.P. Police. The writ petitioners came to be sent on deputation on 28.06.2023, the relevant extract of the order is as under:

"निम्नलिखित मुख्य आरक्षी नागरिक पुलिस को अनुकम्पा के आधार पर उनके नियुक्ति जनपद से उत्तर प्रदेश पावर कारपोरेशन लिमिटेड में 02 वर्ष की प्रतिनियुक्ति पर स्थानान्तरित किया जाता है। प्रतिनियुक्ति अवधि 02 वर्ष समाप्त होने के उपरान्त बिना किसी आदेश की प्रतीक्षा किये मुख्य आरक्षी को इस मुख्यालय के प्रतिनियुक्ति प्रकोष्ठ हेतु वापस कर दिया जाये।"

9. A perusal of the same would reveal that the writ petitioners had been sent on deputation for a period of two years in U.P. Power Corporation.

10. Importantly, the condition to send the writ petitioners on deputation for a

period of two years has not been subject matter of challenge. However, on 29.11.2025, the writ petitioners are being repatriated. The objection of the writ petitioners is that as per the Government order dated 07.12.2017, the deputation period ought to have been three years extendable to further two years and thus the order dated 29.11.2025 cannot be sustained is not acceptable, particularly, when it is always for the Government/ appointing authority to provide for a period for deputation basis and to curtail the period in that regard as law is well-settled that deputationist has no legal right to remain on deputation, however, it is subject to the decision taken by the appointing authority in the facts and circumstances of the individual case.

11. As regards, another objection raised by the counsel for the writ petitioners that on 05.07.2025, the writ petitioners were transferred/ sent on deputation to the enforcement team of the Parvatan Dal, thus the Government order dated 07.12.2017 would apply and two years currency would be made available to the writ petitioners and further even otherwise the writ petitioners are to continue till 2026 is concerned, the same is not acceptable for the simple reason that the only order by which the writ petitioners was sent on deputation basis on 28.06.2023 and in Power Corporation from U.P. Police Department and on 05.07.2025, the writ petitioners were posted in the U.P. Power Corporation Limited, Shakti Bhawan, Lucknow in the Enforcement Team/ Parvatan Dal. The posting order dated 05.07.2025 cannot be said to be a fresh order of deputation so as to give a right to the writ petitioners to remain for a further period of 2/3 years.

12. With respect to the fact whether in terms of the judgment of the Hon'ble Apex Court in ***Prakash Singh (supra)***, it was the only Police Establishment Board which could have passed order is concerned, a perusal of the order dated 29.11.2025 itself shows that the order dated 29.11.2025 repatriating, writ petitioners had been post approval of the Police Establishment Board. Relevant extract whereof of the the order 29.11.2025 is quoted hereinunder:

"अतएव सतर्कता मुख्यालय में •में स्थापना बोर्ड द्वारा लिये गये निर्णय के कम में उक्त कर्मियों को प्रतिनियुक्ति प्रकोष्ठ, मुख्यालय पुलिस महानिदेशक, उत्तर प्रदेश लखनऊ / गहन जनपद वापस किये जाने हेतु दिनांक: 05-12-2025 की तिथि नियत की जाती है।"

15. Nonetheless, the similar challenge at the instance of similarly situated incumbents was came up for consideration before the Hon'ble High Court of

Judicature at Allahabad/ Lucknow in Writ-A No. 13332 of 2025, wherein the following orders was observed as under:

"7. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is evident that petitioners were sent on deputation to the Power Corporation for a maximum period of two years from the date of order of deputation. It is evident that there are several orders pertaining to petitioners with regard to deputation in the Power Corporation with the stipulation that maximum period of deputation would be two years.

8. It is admitted that as of now, petitioners have already completed their maximum period of deputation as prescribed as a condition in the deputation order which was never challenged by the petitioners while accepting the deputation. In view thereof, petitioners are clearly barred by principle of estoppel from raising any grievance with regard to period of deputation.

9. So far as the aspect of applicability of the Government Order is concerned, it is prerogative of the department, in administrative exigency, either to end the period of deputation or to extend the same and merely by issuance of the Government Order dated 02.12.2017 no vested right for continuance of deputation can be provided to the petitioners.

*10. In view of discussion made here-in-above, petition fails and is **dismissed**. Parties to bear their own costs."*

16. With respect to judgment relied upon the learned counsel for the writ petitioners in Ram Bahadur Writ-A No. 1735 of 2026 is concerned, the same is of no help to the writ petitioners. Consequently, present writ petition sans merit, and is accordingly **dismissed**.

February 13, 2026
Ashu

(Vikas Budhwar,J.)