



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 07th April, 2026.
Pronounced on: 29th May, 2026.
Uploaded on: 31st May, 2026.

+ **W.P.(C) 6602/2018, CM APPL. 25197/2018, CM APPL. 39328/2019, CM APPL. 18467/2021, CM APPL. 28891/2021, CM APPL. 45215/2023, CM APPL. 11247/2024, CM APPL. 65700/2024, CM APPL. 73156/2025**

ALI AHMAD KHAN

.....Petitioner

Through: Mr. Biswajit Das, Mr. Deepak Kumar
and Ms. Neha Yadav, Advocates.

versus

THE CHAIRMAN NATIONAL BOOK TRUST INDIA & ANR

....Respondents

Through: Mr. Nalin Kohli, Senior Advocate
with Ms. Anshul Malik and Mr.
Ayuushman Arora, Advocates for R-
3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. This writ petition concerns the legality of the relieving order dated 29th May, 2018 issued by National Book Trust, India,¹ by which the Petitioner, who was serving as Joint Director (Administration & Finance) on deputation, was prematurely repatriated to his parent organisation, Council

¹ "NBT"



for Leather Exports.² The Petitioner also seeks consequential directions for release of dues which, according to him, were payable during his deputation in NBT.

2. This case is connected with W.P.(C) 5425/2019, in which the Petitioner has challenged the charge-sheet dated 1st March, 2019, the disciplinary proceedings initiated by CLE, and the suspension order dated 15th April, 2019. The two petitions arise from a common factual chain of events but are premised on separate causes of action. W.P.(C) 5425/2019 concerns disciplinary action by CLE. The present petition, on the other hand, concerns NBT's premature repatriation order and deputation-linked dues.

3. By a separate judgment pronounced today in W.P.(C) 5425/2019, this Court has considered the objection of CLE that it is not amenable to writ jurisdiction. For the reasons recorded therein, the Court has held that CLE is an authority or instrumentality of the State within Article 12 and is, in any event, amenable to writ jurisdiction under Article 226. The said finding applies to CLE's objection in the present petition as well, to the extent any consequential relief is sought against CLE. In any case, the principal challenge in the present writ petition is to the relieving order issued by NBT, a body functioning under the Ministry of Human Resource Development, Government of India.

Factual background

4. NBT issued a vacancy notice inviting applications for the post of Joint Director (Administration & Finance) on deputation basis. The advertised post was in PB-3, Rs.15600-39100 with Grade Pay Rs.7600, and the period

² "CLE"



of deputation was initially three years, extendable by a maximum of one year. The eligibility clause contemplated candidates from Government, Semi-Government or autonomous organisations, with experience in Government administrative and financial rules and office procedure.

5. The detailed terms and conditions appended to the vacancy notice, *inter alia*, stated that the pay and other terms of deputation would be regulated under the DoPT instructions on deputation, as amended from time to time, and that the initial appointment would be for three years. Applications were required to be sent through proper channel along with integrity certificate, vigilance clearance, penalty statement and APARs.

6. The Petitioner, then serving in CLE, applied through proper channel. NBT selected him for appointment on transfer on deputation basis. The appointment letter dated 10th March, 2017 stated that the Petitioner's deputation would be for three years. NBT reserved the right to repatriate him at any time if his performance was not satisfactory or if his services were not required by the Trust. The appointment letter also stated that his pay would be governed by DoPT OM dated 17th June, 2010, as amended from time to time.

7. On 31st March, 2017, CLE relieved the Petitioner from the post of Regional Director, Central Region, Kanpur, to report to NBT. The relieving order certified that no vigilance case was pending or contemplated against him. NBT thereafter issued Office Order No. 236/2017 dated 6th April, 2017 appointing the Petitioner as Joint Director (Administration & Finance) with effect from 31st March, 2017 afternoon. The order specifically recorded that the appointment on deputation would initially be for three years and that the service conditions would be governed by the terms communicated in the



offer letter dated 10th March, 2017.

8. On 20th April, 2017, CLE conveyed approval of its Chairman to the Petitioner's appointment in NBT. It also supplied his last pay details, 7th CPC pay level, deductions, PF contribution, pension contribution and other service particulars. The letter further set out remittances to be made by NBT to CLE, including employer contribution at 12% on basic pay and DA, pension salary contribution at 20%, gratuity-related remittance, leave encashment and other service benefits.

9. By Office Order No. 357/2017 dated 26th May, 2017, NBT fixed the Petitioner's pay after he assumed charge as Joint Director (Administration & Finance). The order recorded basic pay of Rs.1,30,400, deputation allowance, PF deduction, pension contribution and remittances to be made by NBT.

10. During the Petitioner's tenure in NBT, disputes arose regarding deputation-linked payments. The Petitioner claims that NBT withheld legitimate and statutory dues contrary to the terms agreed between NBT and CLE. On 3rd May, 2018, he submitted a representation to the Director, NBT, referring to NBT's memorandum dated 19th April, 2018 and raised claims relating to deputation benefits, household shifting, LTC, statutory remittances and other admissible allowances.

11. On 29th May, 2018, NBT issued the impugned relieving order. The order states that the Petitioner is repatriated to his parent department, namely CLE, Chennai, and stands relieved in the afternoon of 29th May, 2018. It directs him to report for duty to the Executive Director, CLE, Head Office, Chennai. No reason for repatriation is recorded in the order.

12. On the very next day, the Petitioner submitted a representation dated



30th May, 2018 seeking revocation of the relieving order. He invoked para 9 of the DoPT OM dated 17th June, 2010 and asserted that premature reversion to the parent cadre required advance notice of at least three months to the lending department and to the employee concerned. He also pointed out that his deputation was for three years and that, under the terms of deputation, foreign service would end only when he resumed charge in the parent office.

13. After the relieving order, the Petitioner attempted to report to CLE. On 9th July, 2018, he submitted a joining report to CLE stating that he was reporting for duty after availing admissible joining time/leave from the date of his untimely relieving from NBT. He requested CLE to accept the joining report and advise him further.

14. CLE did not accept the Petitioner's joining at that stage. By communication dated 11th July, 2018, CLE informed the Petitioner that it had written to NBT seeking reasons for his sudden premature repatriation and that no response had been received. CLE also stated that it had reminded NBT to provide reasons and to allow the three-month notice period contemplated by para 9 of the DoPT OM dated 17th June, 2010. The Petitioner was asked to await NBT's response.

15. The Petitioner thereafter physically reported at CLE's Chennai office on 30th July, 2018 and again sought posting and regularisation of the leave availed after the NBT relieving order. CLE's later communication dated 5th September, 2018 stated that the matter regarding his posting was under discussion. Its communication dated 17th September, 2018 described the matter as "re-absorption" after premature repatriation and stated that it was under consideration. That communication also referred to a letter received from the Department of Commerce concerning issues from the Petitioner's



tenure in the Central Waqf Council.³

16. The NBT justifies the Petitioner's premature repatriation by relying on an interim audit observation dated 30th May, 2018, notably one day after the Petitioner was relieved. This audit characterized the Petitioner's appointment as "erroneous", alleging he had misrepresented the status of his parent office (CLE) as an autonomous organization to meet eligibility criteria. Furthermore, the record reveals that NBT's actions were influenced by May, 2017 PMO reference and complaints from the CWC alleging "financial embezzlement" during the Petitioner's prior tenure.

17. Thus, the Petitioner's grievance is that NBT abruptly curtailed his deputation without reasons and in a manner contrary to the governing deputation framework. According to him, the decision was founded upon adverse material that was never disclosed to him. He further contends that the action carries a stigmatic character, as NBT now seeks to justify the curtailment on grounds of ineligibility, alleged misrepresentation and audit objections. It is also his case that the impugned action left his service position uncertain, as CLE did not permit him to resume duties.

Interim directions and procedural course

18. The present writ petition was initially filed against NBT and its authorities. The Petitioner also moved an application to implead CLE. On 19th July, 2018, the Court declined impleadment at that stage, observing that the petition challenged NBT's relieving order and that CLE was not then a necessary party.

19. The position changed when the Petitioner asserted that, after repatriation, CLE had not permitted him to join. Accordingly, by order dated

³ "CWC"



20th November, 2018, CLE was impleaded as Respondent no. 3.

20. On 18th December, 2018, counsel appearing for CLE stated, on instructions, that CLE was not ready to give joining to the Petitioner but would pay salary from 9th July, 2018 till further orders. The Court recorded that statement and made it clear that CLE shall continue to pay salary to the Petitioner. The issue of salary from 29th May, 2018 to 9th July, 2018 was left for final disposal.

21. On 5th February, 2026, CLE was directed to file an affidavit explaining its revenue model and clarifying whether it receives funding from the Government. In compliance, CLE thereafter filed an affidavit reiterating that it is a Section 25 company, not a Government organisation, and that Government funding, if any, is limited to scheme-specific export-promotion activities under MAI/MDA schemes and not to establishment or administrative expenditure.

The Petitioner's case

22. The Petitioner submits that NBT's relieving order dated 29th May, 2018 is arbitrary, unreasoned and contrary to the terms of deputation. He submits that his appointment was for three years and was made after a regular selection process through proper channel. CLE relieved him, NBT accepted him, fixed his pay, and the deputation arrangement was acted upon for more than one year.

23. He contends that NBT could not prematurely repatriate him without following para 9 of the DoPT OM dated 17th June, 2010. The Petitioner stresses that this OM governed his deputation because the vacancy notice, the offer letter and the office order expressly incorporated the DoPT framework. He says that three months' advance notice to the lending



organisation and to the employee was mandatory before premature reversion.

24. The Petitioner further submits that the relieving order is not a simple administrative order. Though it is worded neutrally, NBT's counter-affidavit discloses that the real basis of repatriation was alleged ineligibility, alleged misrepresentation regarding CLE's status, audit objections and allegations concerning his earlier tenure in the Central Waqf Council. These grounds, according to the Petitioner, are stigmatic. They could not have been used against him without notice, disclosure of material and opportunity to respond.

25. The Petitioner also contends that NBT's plea of ineligibility is an afterthought. CLE forwarded his application, issued the relieving order, certified that no vigilance case was pending or contemplated and NBT selected him after scrutiny. NBT then appointed him and fixed his pay. It therefore cannot, after more than one year of service, say that the Petitioner was never eligible because CLE was not Government, Semi-Government or autonomous.

26. The Petitioner points out that CLE itself, after his repatriation, wrote to NBT seeking reasons for premature repatriation and insisted upon the three-month notice contemplated by the DoPT OM. He argues that this shows that even the lending organisation understood the repatriation as procedurally defective.

27. On dues, the Petitioner relies on his representation dated 3rd May, 2018 and subsequent affidavits. He claims unpaid salary, deputation allowance, statutory remittances, PF/pension contribution, LTC and other deputation-linked benefits. He submits that NBT's action, followed by



CLE's refusal to permit joining, left him without salary for the interregnum until this Court intervened.

The stand of NBT

28. NBT contests the petition. It submits that a deputationist has no vested right to continue for the full deputation tenure. It relies on the terms of appointment which reserve to NBT the right to repatriate the Petitioner if his performance was not satisfactory or if his services were not required. NBT also relies on decisions such as *Kunal Nanda v. Union of India*,⁴ *Umapati Choudhary v. State of Bihar*,⁵ and allied authorities to submit that repatriation is an incident of deputation.

29. NBT further submits that the Petitioner was not eligible for appointment to the post of Joint Director because he did not come from a Government, Semi-Government or autonomous organisation. NBT relies upon the Ministry of Commerce letter dated 21st July, 2017, which described CLE as an industry body, autonomous in internal administrative functions, and not a Government organisation.

30. NBT submits that audit objections were raised concerning the Petitioner's eligibility and also concerning alleged financial irregularities during his earlier tenure as Secretary, CWC. It submits that the action taken by it must be understood in that background.

31. NBT also relies on the DoPT OM dated 19th May, 1993 to submit that if a person is not qualified or eligible in terms of the recruitment rules, or if false information has been furnished to secure appointment, such person should not be retained in service. According to NBT, the relieving order was

⁴ (2000) 5 SCC 362

⁵ (1999) 4 SCC 659



justified because the Petitioner's initial appointment itself suffered from a defect.

32. As regards dues, NBT disputes the Petitioner's claims. It contends that some claims were inadmissible or required verification from the parent organisation. It relies on its memorandum dated 19th April, 2018, by which several claims were either rejected, deferred or kept in abeyance.

The stand of CLE

33. CLE's principal stand, so far as maintainability is concerned, has been dealt with in the judgment pronounced today in W.P.(C) 5425/2019. Be that as it may, in the present petition, CLE states that it was impleaded only after the Petitioner complained that he had not been allowed to join after NBT repatriated him.

34. CLE further submits that, pursuant to the order dated 18th December, 2018, it paid salary from 9th July, 2018 until the Petitioner was placed under suspension on 15th April, 2019. Thereafter, according to CLE, only subsistence allowance was payable under its Standing Orders. CLE's position on suspension and the disciplinary proceedings has been considered in the companion judgment in W.P.(C) 5425/2019.

Issues

35. The following issues arise for determination in the present petition:

- i. Whether the writ petition is maintainable, particularly in view of CLE's objection to writ jurisdiction.
- ii. Whether NBT's relieving order dated 29th May, 2018 is a simple administrative repatriation order or whether it is founded on adverse and stigmatic material.
- iii. Whether the Petitioner's deputation was governed by the DoPT



deputation framework, including the requirement of advance notice before premature reversion.

iv. Whether NBT could repatriate the Petitioner on the grounds now disclosed in the counter-affidavit without issuing notice, disclosing material and granting him an opportunity to respond.

v. Whether NBT's plea that the Petitioner was ineligible because CLE was not a Government/Semi-Government/autonomous organisation can be accepted.

vi. What monetary or consequential relief, if any, should follow in respect of the period after the relieving order and in respect of the Petitioner's representation dated 3rd May, 2018.

Analysis

Maintainability

36. The objection to maintainability, in substance, is CLE's objection. NBT is the principal Respondent in the present petition and the impugned order is issued by NBT. There is no serious dispute that the writ petition, in so far as it challenges NBT's order, is maintainable under Article 226.

37. As regards CLE, this Court has, by a separate judgment pronounced today in W.P.(C) 5425/2019, held that CLE is an authority/instrumentality of the State within Article 12 and is amenable to writ jurisdiction. The reasons recorded in that judgment need not be repeated. It is sufficient to state that CLE's objection to maintainability in the present petition is rejected for the same reasons.

38. There is an additional reason why CLE's objection cannot defeat this writ petition. CLE was not impleaded as the author of the impugned relieving order. That order was passed by NBT. CLE was brought on record



because NBT's premature repatriation immediately affected the Petitioner's ability to resume charge in his parent organisation, and because CLE did not permit physical joining after such repatriation. CLE's role in this writ is therefore consequential to the principal challenge against NBT. Its objection cannot render a petition directed, in substance and in relief, against NBT's order dated 29th May, 2018, to be non-maintainable.

Nature of the relieving order

39. The relieving order dated 29th May, 2018 is brief. It states that the Petitioner is repatriated to CLE and stands relieved in the afternoon of that date. It directs him to report to the Executive Director, CLE, and says that he is entitled to TA and other benefits as per rules. The order does not state that the Petitioner's services were no longer required or that his performance was unsatisfactory. Nor does it record any administrative exigency or refer to eligibility, misrepresentation, audit objection, or any pending complaint.

40. If the order were to be judged only by its form, it may appear to be a simple repatriation. However, NBT's own defence reveals otherwise. NBT now contends that the Petitioner was not eligible for appointment because CLE was not a Government/Semi-Government/autonomous organisation. It also refers to audit objections and allegations from the Petitioner's tenure at CWC. These considerations bear directly upon the Petitioner's eligibility, integrity and suitability and cannot be treated as routine administrative matters.

41. A deputationist may not have an indefeasible right to continue till the last day of the deputation period. That proposition is well settled. But it does not follow that every premature repatriation is immune from scrutiny. A deputationist is entitled to question the order where the reversion is ordered



without notice and rests, in substance, on undisclosed adverse material.

42. A borrowing organisation may, for genuine administrative reasons, state that it no longer requires the services of a deputationist. Such a decision ordinarily stands on a different footing. But where the borrowing organisation justifies the repatriation on the ground that the deputation itself was vitiated by ineligibility, irregularity, misrepresentation, or material adverse to the officer, the matter ceases to be a routine administrative return. The order then carries a stigmatic foundation and attracts the minimum requirements of fairness in procedure.

43. In *Kunal Nanda*, the Supreme Court held a deputationist has no right either to continue on deputation indefinitely or to claim absorption in the borrowing organisation. That principle, however, does not authorise every form of premature reversion. In *Union of India v. V. Ramakrishnan*,⁶ the Supreme Court held that where the tenure of deputation is specified, it should ordinarily not be curtailed except on just grounds, such as unsuitability or unsatisfactory performance. The Court also recognised that an order of reversion, even in the case of a deputationist, may be examined if it is mala fide.

44. The present case must therefore be tested not on the abstract proposition that a deputationist has no vested right to continue, but on the real character of the order by which the deputation was brought to an end. NBT did not merely exercise a simple administrative option to send back a deputationist whose services were no longer required. It repatriated a selected officer midway through a three-year tenure, recorded no reason in the order, and has since sought to justify the action on grounds of eligibility,



alleged misrepresentation, audit objection, and alleged irregularities in another organisation. These grounds are adverse in nature. If they formed the basis of the decision, fairness required that they be disclosed to the Petitioner and that he be afforded an opportunity to respond before the order was passed.

45. The legal principle in *Mohinder Singh Gill v. Chief Election Commissioner*⁷ that an administrative order must stand or fall on the reasons which informed it, also assumes relevance. If NBT's order was a simple administrative repatriation because the Petitioner's services were no longer required, it had to be justified on that footing. It could not thereafter be defended by invoking alleged ineligibility, misrepresentation, audit objections or adverse material relating to the Petitioner's earlier tenure elsewhere. Conversely, if those adverse matters formed the real basis of the decision, the Petitioner was entitled to notice and an opportunity to respond before the order was passed.

Applicability of the DoPT deputation framework and the requirement of notice

46. The deputation arrangement was not informal or ad hoc; it was a structured arrangement governed by express terms. NBT's vacancy notice advertised the post on deputation for a period of three years, required applications to be routed through proper channel, and mandated vigilance clearance, penalty details and APARs. It further stipulated that pay and other deputation conditions would be regulated by the applicable DoPT instructions.

⁶ (2005) 8 SCC 394

⁷ (1978) 1 SCC 405



47. The same framework was carried forward in the appointment documents. The office order dated 6th April, 2017 records that the Petitioner's deputation would initially be for three years and would be governed by the offer letter dated 10th March, 2017. NBT's pay-fixation order dated 26th May, 2017 then gave practical effect to that arrangement by fixing pay, deputation allowance, deductions and remittances.

48. NBT could not adopt this framework selectively. Having invited applications through proper channel, appointed the Petitioner on deputation for a defined tenure, fixed his pay, and acted upon the foreign service terms, it was bound to follow the corresponding procedural discipline when it chose to curtail that tenure. The deputation arrangement had to be read and applied as a whole.

49. NBT relies on the clause in the appointment letter reserving to it the power to repatriate the Petitioner if his services were no longer required or if his performance was unsatisfactory. But a reserved power must be exercised for the purpose for which it is conferred. If NBT no longer required the Petitioner's services, it could have said so. If it found his performance unsatisfactory, that ground ought to have been recorded. If, however, the real concern was alleged ineligibility, misrepresentation or adverse audit material, an altogether different course was required. Since such allegations bore directly upon the Petitioner's eligibility, reputation and service record, fairness demanded that he be put to notice, shown the material relied upon, and given an opportunity to respond before any adverse decision was taken.

50. CLE's own conduct reinforces this position. By its communication dated 11th July, 2018, CLE informed the Petitioner that it had sought reasons from NBT for the sudden premature repatriation and had also called upon



NBT to honour the three-month notice requirement under para 9 of the DoPT OM dated 17th June, 2010. In its counter-affidavit as well, CLE asserts that premature reversion ought to have been preceded by at least three months' notice to the lending department and that this requirement had not been observed.

51. That position may explain why CLE sought clarification from NBT. It does not, however, explain CLE's refusal to accept the Petitioner's joining after he reported back to his parent organisation. The Petitioner's lien remained with CLE. Once NBT had relieved him and he had reported to the parent organisation, CLE could not keep him in a state of uncertainty, merely because NBT had failed to furnish reasons for the repatriation. CLE was free to pursue NBT on questions of notice, reasons or *inter se* adjustment. The Petitioner, however, could not be made to suffer because of that institutional dispute.

52. NBT's default was equally serious. It neither gave prior notice nor disclosed reasons, with the result that the Petitioner's return to his parent organisation was rendered uncertain and without salary, until this Court intervened. The resulting service vacuum was thus created by two institutions, each shifting the consequences of its own procedural lapse onto the Petitioner.

Whether NBT could rely on alleged ineligibility without notice

53. NBT's principal defence is that the Petitioner was ineligible for appointment because CLE was not a Government, Semi-Government or autonomous organisation. That contention cannot be accepted in the manner in which it is now sought to be advanced. The reasons are fourfold.

54. First, the appointment process was regular and transparent. The



Petitioner did not enter NBT through any irregular route. His application was forwarded by CLE through proper channel; CLE relieved him; NBT accepted the relieving; and, upon seeking his last pay certificate and service particulars, received the same from CLE. NBT thereafter issued the formal appointment order and the consequential pay-fixation order. The deputation was thus processed, approved and acted upon through the institutional route.

55. Second, CLE's institutional status was never concealed. NBT remained in correspondence with CLE throughout. The appointment letter itself was addressed to CLE. CLE's letterhead described it as a body sponsored by the Ministry of Commerce and Industry, Government of India, and its communication dated 20th April, 2017 conveyed the Chairman's approval together with pay particulars and service terms. In these circumstances, NBT cannot plausibly contend that CLE's status emerged as a hidden or newly discovered fact.

56. Third, any later doubt about eligibility required a fair process. Even if NBT developed a bona fide doubt about CLE's status after receiving the Ministry's letter dated 21st July, 2017, it could not act unilaterally. The vacancy notice required applications to be routed through proper channel and to be accompanied by vigilance clearance, penalty details and APARs. The Petitioner's candidature was processed, scrutinised and accepted on that basis. If NBT subsequently considered the material placed before the Selection Committee to be insufficient, incorrect or misleading, the proper course was to disclose that concern to the Petitioner and revisit the matter in accordance with law. It could not sidestep that obligation by issuing an order of repatriation.

57. Fourth, the DoPT OM dated 19th May, 1993 does not assist NBT.



That office memorandum deals with cases where an employee is found ineligible for *initial recruitment* into service. The present case stands on an entirely different footing. The Petitioner was not a fresh recruit entering service for the first time; he was a permanent employee of CLE serving on a sanctioned transfer on deputation. NBT's reliance on that OM is therefore misplaced and, in any event, cannot justify dispensing with the minimum requirements of fairness.

Consequences of the defective repatriation

58. The events following the relieving order are material. The Petitioner immediately sought revocation on 30th May, 2018. He then submitted a joining report to CLE on 9th July, 2018. He physically reported at CLE, Chennai, on 30th July, 2018.

59. CLE did not permit the Petitioner to physically join. Instead, it asked him to await NBT's response. At the same time, CLE sought from NBT the reasons for the sudden premature repatriation and called upon it to comply with the three-month notice requirement under para 9 of the DoPT OM dated 17th June, 2010.

60. In this backdrop, CLE stated before the Court that it was not prepared to permit the Petitioner to join, though it was willing to pay salary with effect from 9th July, 2018. The Court recorded that statement in its order dated 18th December, 2018 and left open, for final adjudication, the issue of salary for the intervening period from 29th May, 2018 to 9th July, 2018.

61. Thus, it is demonstrated that the Petitioner consistently challenged the impugned action. He first sought revocation of the relieving order, then reported to CLE, and thereafter requested posting and release of salary. These steps demonstrate that he did not acquiesce in the premature



repatriation, yet remained ready and willing to resume duty. Had the deputation framework been followed, and had NBT provided prior notice, reasons, and an orderly transition to the parent organisation, this service vacuum would not have arisen. The Petitioner cannot be made to bear the consequences of this institutional failure.

62. Be that as it may, the Court is conscious that the original three-year deputation tenure has long expired. A direction for reinstatement in NBT would now serve no practical purpose. But the expiry of tenure does not erase the legal consequences of an order which was passed without notice, reasons or fair procedure.

Conclusion

63. The Court therefore holds that NBT could not have prematurely repatriated the Petitioner on the grounds now pleaded without first putting the material to him and affording him an opportunity to respond. If the real basis of the decision was alleged ineligibility, misrepresentation, audit objection or adverse material from another organisation, the Petitioner was entitled to know that case before the order was passed. The subsequent refusal of CLE to accept his physical joining does not cure the defect in NBT's order. It only demonstrates the civil consequences which followed from an abrupt repatriation made without notice, reasons or an orderly return arrangement with the parent organisation.

64. The relieving order dated 29th May, 2018 is therefore declared unsustainable and is set aside for the limited purpose of monetary and consequential relief. The setting aside of the order shall not revive the deputation, which has already come to an end by efflux of time. The relief must now be confined to dues and consequential benefits flowing from the



Petitioner's deputation and the interregnum created by the defective repatriation.

Dues and consequential directions

65. The Petitioner's representation dated 3rd May, 2018 sought release of outstanding dues relating to his deputation period. It referred to household shifting, LTC, statutory remittances and other admissible claims. His later affidavit quantified the alleged outstanding salary and statutory dues from NBT for the period 1st April, 2017 to 8th July, 2018.

66. The Court does not consider it appropriate to mechanically accept the Petitioner's figures in writ jurisdiction without a proper accounting exercise. At the same time, NBT cannot be permitted to leave the representation unresolved or reject claims by relying on the same defective premise which led to the impugned repatriation.

67. The deputation documents show that NBT was to regulate pay, deputation allowance, deductions and remittances in accordance with the deputation terms. CLE's letter dated 20th April, 2017 set out remittances to be made by NBT, including employer's contribution, pension contribution, leave salary contribution and other service-related payments. NBT's own Office Order dated 26th May, 2017 accepted the structure by fixing pay and recording remittances to be made.

68. In view of the findings recorded above, the following directions are issued:

- i. CLE's objection to maintainability is rejected in terms of the judgment pronounced today in W.P.(C) 5425/2019.
- ii. The relieving order dated 29th May, 2018 issued by NBT is declared unsustainable and is set aside. As a result, the Petitioner shall be entitled to



monetary and consequential reliefs. However, no direction for reinstatement in NBT is issued, since the deputation tenure has already expired by efflux of time.

iii. The period from 30th May, 2018 till 8th July, 2018 shall be appropriately regularised by NBT in accordance with the applicable deputation and service rules, having due regard to the findings recorded in this judgment. The said period shall not be treated as a break in service. CLE shall pass consequential orders to update the Petitioner's service record, leave account, continuity of service and other allied benefits.

iv. NBT shall undertake a fresh computation of all admissible dues payable to the Petitioner for the deputation period from 1st April, 2017 till 29th May, 2018, and for the interregnum from 30th May, 2018 till 8th July, 2018. The computation shall be made by a speaking order within six weeks from the date of this judgment. If any claim is rejected, NBT shall specify the rule, term or document on which it relies.

v. While undertaking the computation, NBT shall consider the appointment letter dated 10th March, 2017, NBT Office Order dated 6th April, 2017, CLE's terms dated 20th April, 2017, NBT's pay fixation order dated 26th May, 2017 and the applicable DoPT deputation instructions. It shall include every admissible component under those documents, including salary, deputation allowance, statutory remittances, PF/pension contribution, leave salary contribution, TA/transfer entitlements and LTC, after adjusting amounts already paid.

vi. If any amount is found payable, it shall be released within four weeks thereafter.

vii. The Petitioner shall not receive double payment for any overlapping



period or component. If any adjustment or reimbursement is required between NBT and CLE because of payments made pursuant to orders of this Court, the same shall be worked out *inter se* between them. The Petitioner shall not be denied admissible dues merely because the borrowing and lending organisations have a dispute regarding their respective financial responsibility.

viii. NBT shall, within four weeks, transmit to CLE all monetary remittances as per Petitioner's terms of appointment, all service records, pay particulars, leave account, remittance details, deputation records and such other documents as may reasonably be required for regularisation of the Petitioner's service and consequential service benefits following repatriation.

ix. The Petitioner's salary and other service benefits w.e.f, 9th July, 2018 shall be governed by the judgment pronounced today in W.P.(C) 5425/2019.

69. The writ petition is allowed in the above terms. Pending applications, if any, stand disposed of.

SANJEEV NARULA, J

MAY 29, 2026/ab