

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 64 of 2005 (S/B)

Rajendra Kumar Jain
S/o Sri Sulekh Chandra Jain,
Presently working as
Superintending Engineer,
Lakhwar Vyasi Construction,
Circle I, Irrigation Department,
Uttaranchal Dehradun Petitioner

Versus

1. State of Uttaranchal through
Secretary Secretary, Irrigation,
Dehradun.
2. State of Uttaranchal through
Secretary, Karmi, Civil Secretariat,
Dehradun.
3. Chief Engineer & Head of Department,
Irrigation Department, Yamuna Colony,
Dehradun Respondents
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Mr. M.C. Pant, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. C.S.C. for the respondents.

Coram: Hon. Cyriac Joseph, C.J.
Hon. P.C. Verma, J.

[Per Hon'ble Chief Justice (Oral)]

1. The petitioner is a Superintending Engineer in the Irrigation Department of the Government of Uttaranchal. According to him, there is a vacancy of Chief Engineer Level II and he is entitled to be considered for promotion as Chief Engineer Level II against the above mentioned vacancy. It is alleged that a person who was found unfit by the Departmental Promotion Committee to be promoted to the cadre of Chief Engineer Level II is presently occupying the above mentioned vacancy. The petitioner had submitted Annexure 7 representation dated 09.02.2005 to the Secretary Irrigation and Energy, Uttaranchal Government requesting for promotion as Chief Engineer Level II. He

also submitted representation dated 30.03.2005 (Annexure 8) and representation dated 19.04.2005 (Annexure 9) seeking the same relief from the Government. Since no favourable order has been passed on the said representation, the petitioner has filed this writ petition praying for a direction to the respondents to consider and decide the representation dated 19.04.2005 and to consider the case of the petitioner for promotion against the vacant post of Chief Engineer Level II.

2. Having heard learned counsel for the petitioner and Mr. J.P. Joshi, learned Additional Chief Standing Counsel for the State of Uttaranchal and having considered the materials placed on record, we are of the view that, in the interest of justice, a direction should be issued to the first respondent to consider the representations of the petitioner without any further delay.

3. Hence, the writ petition is disposed of with a direction to the first respondent- Secretary, Irrigation Department, Government of Uttaranchal to consider the representations dated 09.02.2005, 30.03.2005 and 19.04.2005 (Annexures 7, 8 and 9) submitted by the petitioner and to pass appropriate orders in accordance with law as expeditiously as possible and at any rate within a period of one month from the date of receipt of the copy of this judgment.

(P.C. Verma, J.)
28.04.2005

(Cyriac Joseph, C.J.)
28.04.2005

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