

**IN THE HIGH COURT OF UTTARANCHAL AT  
NAINITAL.**

Writ Petition No. 1616 (S/S) of 2005

Yogendra Kumar Mishra,  
son of Sri Raghvendra Mishra,  
resident of Shahadatganj,  
District – Faizabad, U.P.  
at present posted at Jal Nigam Colony,  
Didihat,  
District – Pithoragarh.

.....Petitioner.

Versus.

1. State of Uttaranchal through its Secretary, Pey Jal, Civil Secretariat, Uttaranchal Shashan, Dehradun.
2. Uttaranchal Sansadhan Vikas and Nirman Nigam, through its Managing Director, 11, Mohini Road, Dehradun, Uttaranchal.
3. U.P. Jal Nigam through its Managing Director, 6, Rana Pratap Marg, Lucknow.
4. Union of India, through Secretary Ministry of Human Resources and Personal Grievance, New Delhi.

.....Respondents.

**Hon'ble M.M. Ghildiyal, J.:**

Heard Sri Pradeep Lohani, learned counsel for the petitioner, learned standing counsel for the State of Uttaranchal on behalf of respondent no. 1, Sri D.S. Patni, learned counsel for respondents no. 2, Sri Sudhir Singh, learned counsel for respondent no. 3 and Smt. Anjali, learned standing counsel for Union of India on behalf of respondent no. 4.

Petitioner, who is Junior Engineer in Uttaranchal Pey Jal Nigam, posted at Didihat, District – Pithoragarh, has challenged the transfer order dated 30.09.2005 passed by respondent no. 2 by which he has been transferred from Uttaranchal Pey Jal Nigam to U.P. Jal Nigam.

The submission of the petitioner is that petitioner was appointed as Junior Engineer in U.P. Jal Nigam on 12.06.1978 and since 1991 he has been working as Junior Engineer in the hill districts of the then State of U.P. till the creation of State of Uttaranchal and after the creation of State of Uttaranchal, he is still working in the State of Uttaranchal and now by the impugned order he has been transferred to U.P. Jal Nigam.

Sri D.S. Patni, learned counsel for the respondent no. 2 has submitted that petitioner has not submitted his option for Hill Sub Cadre, as such, he is not entitled to be retained in Uttaranchal Pey Jal Nigam as per Notification dated 07.11.2002.

Learned counsel for the petitioner has submitted that his daughter is studying Didihat and in case, if he is compelled to relieve for U.P. Jal Nigam, the study of his daughter will be suffered and as such, respondent no. 2 may be directed not to implement order dated 30.09.2005.

Without going into the merit of the case, I think it just and proper to direct petitioner to make fresh representation raising all his grievances before respondent no. 2, Managing Director, Uttaranchal Pey Jal Nigam within a period of ten days from today and respondent no. 2 is directed to take decision on the petitioner's representation within a period of two weeks from the date of receipt of representation. Petitioner shall not be relieved from present place of posting till 25.11.2005, in case, he has not already been relieved.

With this direction the writ petition is disposed of. No order as to costs.

**(M.M. Ghildiyal, J.)**

October 29, 2005

SKSharma