

In the High Court of Uttaranchal, at Nainital.

Writ Petition No. 65 of 2006 (S/B)

Anil Kumar S/o Late S.C. Vaish,

R/o 12, Canal Colony Udaiganj, Lucknow .. Petitioner.

Versus

Union of India and others ----- Respondents.

Sri Ashish Joshi, learned counsel for the petitioner.

Smt. Anjali Bhargav, learned S.C. for the Union of India.

Sri K.P. Upadhyayal, learned S.C. for the State of Uttaranchal.

Coram: Hon'ble P.C. Verma, J.

Hon'ble B.C. Kandpal, J.

Dated: 28-02-2006

This writ petition has been filed raising the grievance that the petitioner is not being allowed to join in the State of Uttaranchal by the respondent No.4 on the promoted post of Chief Engineer level-II.

2- The learned counsel for the petitioner submits that the post is reserved for the petitioner and the counter affidavit has been filed in another case W.P. No. 102/2005 (S/B). He also contended that the post is still vacant and reserved for the petitioner. As no final allocation to the petitioner has been made by the Government of India under Section 73(1) of U.P. Reorganization Act, therefore the petitioner is not being allowed to join. Since the final allocation of the petitioner has not been done, therefore the petitioner can not raise any grievance only on the basis of the relieving of the petitioner on the advise of the Advisory Board constituted under Section 76 of the U.P. Reorganization Act, 2000. The Government of India on the basis of the advise of the Board has to pass the order allocating the employee from other State to State of Uttaranchal. The petitioner has not been allocated to State of Uttaranchal, therefore he can not raise any grievance. He should

wait till the final allocation made by the Government of India U/S 73 of the U.P. Reorganization Act, 2000.

3- The writ petition is premature. The petitioner shall continue to work where he is working as present. In the mean time the respondent No. 1, Government of India is directed to take a decision in respect of final allocation of the petitioner within one month from the date of production of certified copy of this order.

4- The petitions is disposed of accordingly.

(B.C. Kandpal, J.)

(P.C. Verma, J.)

ISB