

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

Writ Petition No. 859 (S/S) of 2006

1. Dharamendra Kumar, S/o Naukhaee Ram, presently working as Lab Technician, Primary Health Centre, Barokote, District – Champawat.
2. Mohd. Sabir Ansari, S/o Mohd. Haneef Ansari, presently working as Lab Technician, Community Health Centre, Champawat, district – Champawat.

.....Petitioners

V e r s u s

1. Union of India, through its Secretary, Ministry of Personnel Public Grievance and Pensions, 3rd Floor, Khan Market, New Delhi.
2. The Advisory Committee, State Reorganization, Government of India, Department of Personnel Public Grievances and Pensions, 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi.
3. State Advisory Committee, U.P. Reorganisation Co-ordination Room No. 716, 7th Floor, Vikas Bhawan, Hazratganj, Lucknow, U.P.
4. State of Uttaranchal, through Secretary, Medical and Health Welfare, Dehradun.
5. Director General, Medical and Family Welfare, Uttaranchal, Chandra Nagar, Dehradun.
6. State of U.P., through Secretary, Medical, Health and Family Welfare, Lucknow.
7. Director General, Medical, Health and Family Welfare, Lucknow, U.P.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri P.C. Bisht, learned counsel for the petitioner, Smt. Anjali, learned standing counsel for Union of India on behalf of respondents no. 1 to 3, Smt. Beena Pandey, learned standing counsel for State of U.P. on behalf of respondent nos. 6

and 7 and Sri Paresh Tripathi, learned standing counsel for State of Uttaranchal on behalf of respondents no. 4 and 5.

Learned counsel of the parties are agreed to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioners have prayed for the following reliefs:

- (a) *issue a writ, order, rule or direction in the nature of Mandamus commanding the respondents no. 4 and 5 to relieve the petitioners from the present place of posting at Primary Health Centre Barakote, Champawat and Community Health Centre, Champawat respectively for the State of U.P. further commanding the respondents no.6 and 7 to provide them posting in any Government Hospital in the same grade within the State of Uttar Pradesh.*
- (b) *issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case may also be passed;*
- (c) *award the costs of the petition to the petitioners.*

According to the petitioners as well as the facts narrated in the writ petition, the submission of the petitioners is that they were appointed as Lab Technician in the Medical Health and Family Welfare Department and at the time of creation of State of Uttaranchal they were working in the State of Uttaranchal. Petitioners are permanent resident of State of U.P. and had opted for State of U.P.

Smt. Anjali, learned counsel for Union of India has submitted that final allocation list has already been issued by Union of India in respect of service of petitioners' cadre for

State of Uttaranchal. The names of the petitioners do not find place in the aforesaid list. Meaning thereby, they have been finally allocated to State of U.P.

Learned counsel for the petitioners has submitted that in spite of the fact that petitioners have been finally allocated to State of U.P. they have yet not been relieved.

Petitioners have already made representations raising all their grievances before respondent no. 5 i.e. Director General, Medical and Family Welfare, Uttaranchal, Dehradun on 15.05.2006 and 07.06.2006, however, respondent no. 5 has not paid any heed to their request and have yet not relieved them for State of U.P.

During the course of argument, learned counsel for the petitioners has confined his prayer that respondent no. 5 may be directed to decide the petitioners' representation within a particular period.

In view of above, I think it just and proper to direct respondent no. 5 i.e. Director General, Medical and Family Welfare, Uttaranchal, Dehradun to take decision on the representations of the petitioners dated 15.05.2006 and 07.06.2006 (Annexure Nos. 8 and 9 to the writ petition) within a period of four weeks from the date of production of certified copy of this order.

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

(M.M. Ghildiyal, J)

June 30, 2006
SKSharma

