

**IN THE HIGH COURT OF UTTARAKHAND  
AT NAINITAL**

Writ Petition No. 740 (SS) of 2007

Shahid Hussain, aged about 58 years,  
S/o Sri Muzahir Hussain,  
R/o Harbartpur,  
Dehradun.

**.....Petitioner.**

Versus

1. State of Uttarakhand through Secretary, Revenue, Dehradun.
2. Chief Revenue Commissioner, Uttarakhand, Dehradun.
3. Commissioner, Garhwal Division, Dehradun.
4. District Magistrate, Dehradun.

**.....Respondents.**

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

Heard Sri S.N. Babulkar, Sr. Advocate, assisted by Sri Subhash Upadhyay, learned counsel for the petitioner and Sri Paresh Tripathi, learned Counsel for State of Uttarakhand on behalf of respondents.

Petitioner is aggrieved by the order dated 19.06.2007 passed by District Magistrate, Dehradun by which petitioner has been transferred to Rishikesh and reverted to the post of Lekpal from the post of Incharge Revenue Inspector. It is alleged by the petitioner that he was given temporary /officiating promotion on the post of Revenue Inspector in the year 1999 and thereafter on 22.09.2004, petitioner was again selected through Department Promotion Committee for *ad hoc*/ officiating promotion on the post of Revenue Inspector under stop gap arrangement till the regularly selected candidates join on the post of Revenue Inspector.

Learned counsel for the petitioner has submitted that petitioner was continuing on the post of Rajaswa Nirikshak till the impugned order dated 19.06.2007 was passed by District Magistrate, Dehradun.

Petitioner has also alleged that he has already completed the training and he was placed at serial no. 1 in the list of persons, who have completed training. Petitioner has further alleged that one Sri Balendra Pal, who was placed below the petitioner in aforesaid select list, has been provided *ad hoc*/ officiating promotion on the post of Revenue Inspector, ignoring the claim of the petitioner.

In these circumstances, without going into the merit of the case, I deem it fit and proper to direct the respondents to consider the candidature of the petitioner, who has completed training, for promotion to the post of Revenue Inspector strictly in accordance with law and after providing promotion to the candidates who have completed training, still vacancy are available, case of untrained Lekpals may be considered for promotion on the post of Rajaswa Nirikshak on *ad hoc*/ officiating basis in accordance with law.

With this direction, the writ petition as well as all the pending applications are finally disposed of. No order as to costs.

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

July 31, 2007  
SKS