

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

Writ Petition No. 746(S/S)2007

Sant Ram S/o Sri Kushi Ram,
R/o Negi Niwas, Haldwani, Nainital,
Posted as Patwari at Haldwani Nainital. ----- Petitioner.
Vs.

1. State of Uttarakhand through its Secretary,
Revenue, Dehradun,
2. Commissioner, Kumaon Region, Nainital,
3. District Magistrate, Nainital. ----- Respondents.

Sri Anil K. Joshi, learned Counsel for the petitioner and
Sri Ashish Joshi, learned State Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Anil K. Joshi, learned Counsel for the petitioner
and Sri Ashish Joshi, learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed
for the following reliefs:-

- i. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 to decide the appeal of the petitioner contained as annexure no. 2 to this petition within a period of one month on merit,
- ii. Any other order, direction which this Hon'ble Court may deem fit and proper in the circumstances of the case, may also be passed,
- iii. Award the cost of petition.

The petitioner who is working as Patwari and at present is posted at Haldwani, district Nainital was served a charge sheet on 10.11.1997. The inquiry initiated against the petitioner was completed and the Competent authority i.e. the

District Magistrate, Nainital passed order of punishment on 23.04.2004 reverting the petitioner to initial pay scale. Against the punishment order passed by the District Magistrate, the petitioner has already preferred appeal before the Commissioner of the Division on 15.06.2004, which is still pending before him.

Sole prayer in the writ petition is that the Appellate Authority i.e. the Commissioner, Kumaon Region, Nainital may be directed to take decision on the appeal of the petitioner dated 15.06.2004 within the period prescribed by this Court.

The prayer is innocuous.

Consequently, the respondent no. 2 is directed to take decision on the appeal preferred by the petitioner on 15th June 2004 against the order of punishment awarded by the District Magistrate on 23rd April 2004, within a period of four weeks from the date of production of a 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 28, 2007:

NCM: