

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

**Writ Petition No. 23 of 2008 (S/B)**

Hemant Singh Basera S/o Late Sri Trilok Singh Basera,  
Presently posted as Scientist in  
Uttarakhand Forestry Research Institute,  
Rampur Road, Haldwani,  
District Nainital.

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Petitioner

**Versus**

1. State of Uttarakhand,  
through Secretary, Forestry,  
Secretariat, Dehradun, Uttarakhand.
2. Conservator / Director of Forest Research Wing,  
Haldwani.
3. Chief Conservator of Forest Department,  
Bio-Diversity, Rampur Road,  
Haldwani.
4. Principal Secretary,  
Forest & Village Department / Environment,  
State of Uttarakhand, Dehradun.

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Respondents

Mr. Sharad Sharma, Advocate for the petitioner.

Mr. J.P. Joshi, Chief Standing Counsel for the respondents.

**JUDGMENT**

**Coram: Hon'ble V.K. Gupta, C.J.  
Hon'ble J.C.S. Rawat, J.**

**V.K. GUPTA, C.J. (Oral)**

After hearing the detailed arguments of the learned counsel for the parties, we find that the petitioner, in law, had no right to continue on the post because undoubtedly the post, held by the petitioner, was purely contractual in nature, owing its existence to the two agreements executed between the parties, first on 1<sup>st</sup> August, 2006 and thereafter on 1<sup>st</sup> April, 2007.

Mr. Sharad Sharma, the learned counsel for the petitioner has taken us through the contents of the impugned communication dated 10<sup>th</sup> January, 2008 and submitted that, in this communication, an impression is given as if the termination of service of the petitioner

was by way of an adverse reflection upon his conduct. Mr. J.P. Joshi, the learned Chief Standing Counsel appearing for the respondents, dispels this apprehension of the petitioner and submits that the expression “evaluation” used in the communication and as to whether the services of the petitioner were required or not, had nothing to do with the person or the performance of the petitioner. This evaluation was conducted only to find out whether, looking to the requirements of the respondents, the services of the petitioner were required or not. It is based on this evaluation that the respondents came to the conclusion that because of non-utilisation, the petitioner’s services were not required. We are satisfied with the aforesaid explanation rendered on behalf of the respondents and, indeed, find that the impugned order does not cast any stigma upon the petitioner.

By the subsequent order dated 22<sup>nd</sup> February, 2008, the petitioner has been asked to vacate the accommodation held by him within one week.

We direct that the petitioner shall be allowed to occupy the accommodation uptill 30<sup>th</sup> April, 2008. This is subject to the condition within 5 days from today, the petitioner files a written undertaking before respondent No. 2 to the effect that he shall vacate and handover the vacant possession of the accommodation by or before 1<sup>st</sup> May, 2008.

The writ petition stands disposed of.

**(J.C.S. Rawat, J.)**  
29.02.2008

**(V.K. Gupta, C. J.)**  
29.02.2008

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