

*COURT NO.2*

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**Writ Petition (S/S) 4291/2001**

Hari Ram Bhatt & Other

.....Petitioners

**Versus**

State of Uttaranchal  
Through Irrigation Secretary,  
Dehradun & Others

.....Respondents

Sri Alok Singh, learned Senior Advocate for the petitioners.  
Sri H.M. Raturi, learned Standing Counsel for respondents.

**30<sup>th</sup> April, 2008**

**Hon'ble P.C. Verma, J.**

By means of this writ petition, the petitioners have prayed for a writ of mandamus commanding the respondents to consider and promote the petitioners on the post of Assistant Engineer.

2. Petitioners are Diploma in Civil Engineering and they were appointed vide the appointment letter dated 8.2.1984 (Annexure 2 to the writ petition) on the post of Junior Engineer (Civil) in the Irrigation Department in pursuance of the Government Order dated 18.11.1977, which provides that the people who are residing in the area to be submerged in Tehri Dam and who fulfill the requisite qualification shall be given preference in appointment. Petitioners were treated as Special Category Candidates. In the year 1995, the services of the petitioners were declared permanent.

3. On 23.4.1993, a notification was issued by the Government of U.P. about the service rules of the Engineers, which provides that 24 per cent appointment to the post of Assistant Engineer shall be made from amongst those Junior Engineers who have completed 10 years' service on the post of Junior Engineer. Petitioners claim that they are senior most candidates in the special category in the seniority list and that they are eligible to be promoted as Assistant Engineers. Petitioners further claim that candidates who were similarly situated to the petitioners have been given promotion to the post of Assistant Engineer but the case of the petitioners is being ignored.

4. In view of facts and circumstances of the case narrated above, the writ petition is disposed of finally with direction to the respondents that if the petitioners are eligible or in case any similarly situated junior to the petitioners has been promoted, the case of petitioners shall be considered strictly in accordance with the rules within a period of two months from the date of production of certified copy of this order. There shall be no order as to costs.

**(P.C. Verma, J.)**  
30.4.2008

Prabodh