

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 870 of 2001 (S/B)

Suraj Prakash
S/o Shri Vishwanath Gupta
R/o 102, Moti Bazaar,
Dehradun.

..... Petitioner

Versus

1. Director Personnel / Director Human Resources,
Oil and Natural Gas Corporation Ltd.,
Dehradun.
2. Chief Manager (Personnel & Administration)
Establishment,
Oil and Natural Gas Corporation Ltd.,
Dehradun.

..... Respondents

Mr. S.N. Babulkar, Sr. Advocate assisted by Mr. A.K. Bisht, Advocate for
the petitioner.

Mr. L.P. Naithani, Sr. Advocate assisted by Mr. J.P. Joshi, Advocate for
the respondents.

Coram : Hon'ble Prafulla C. Pant, J.
Hon'ble Alok Singh, J.

Hon. Prafulla C. Pant, J. (Oral)

Heard learned counsel for the parties and perused
the affidavits, counter affidavit and rejoinder affidavit
filed by the parties.

2) By means of this writ petition, the petitioner has
sought writ in the nature of mandamus, commanding
the respondents to cancel the order dated 28.10.1994,
whereby the promotion order of the petitioner, was

withdrawn. A further mandamus has been sought directing the respondents to treat the petitioner holding the post of Deputy Director from 28.10.1994 till 31st of May 2000.

3) Brief facts of the case are that the petitioner was working as Administrative Officer with the Oil and Natural Gas Corporation Limited, Dehradun. In the meeting held on 29th of May 1990, the Executive Committee of the employer corporation resolved to promote the petitioner Suraj Prakash to the post of Deputy Director (P&A) w.e.f. 01.01.1989. Consequently, the promotion order was issued and the petitioner was required to join his duties in the Western Region, Gujarat. Vide order dated March 4, 1991, he was transferred from Dehradun to Western Region, Gujarat. It appears that initially the petitioner sought extension of his stay at Dehradun on the ground of mid academic session of his children. Thereafter, for various reasons he sought extension and continued to work at Dehradun, till the impugned order was passed on October 28, 1994. It appears that on 05.03.1991, when he was given further extension to stay at Dehradun, he gave a written undertaking to the respondent corporation (copy of which is annexed as Annexure C.A. 2 to the counter affidavit) that he would not seek further extension to stay at Dehradun and would comply with the transfer order. It appears that he failed to honour his own undertaking, and finally,

the respondent corporation issued the impugned order on 28th of October 1994, withdrawing the promotion of the petitioner. The petitioner remained happy with that order till 2000 (for almost six years). In the year 2000, he appears to have sought voluntary retirement, and left the respondent corporation. Only thereafter he has filed this writ petition claiming the salary of the post of Deputy Director w.e.f. 28.10.1994 till he got retired from the service.

4) The above facts and circumstances of the case show that the petitioner has not come with clean hands. Firstly, he wanted to have fruits of promotion order without complying the transfer order. Secondly, he did not honour his own undertaking. Thirdly, he kept mum for almost six years, and filed this writ petition after latches without sufficient explanation.

5) In the above circumstances, we are not inclined to interfere with the impugned order passed by the respondent corporation. Therefore, the writ petition is dismissed summarily.

(Alok Singh, J.)

(Prafulla C. Pant, J.)

Dt. October 30, 2009.

H. Negi

