

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 74 of 2014 (S/S)

Harish Danu

..... Petitioner

Versus

State & others.

.....Respondents

Mr. Amar Shukla, Advocate for the petitioner.

Mr. Rajesh Sharma, Brief Holder for the State.

31st January, 2014

Hon'ble Servesh Kumar Gupta, J.

Petitioner has moved the application CLMA No. 649 of 2014, seeking to withdraw his petition No. 74 of 2014 (S/S). This Court is aware about the Order No. 01/14, dated 02.01.2014, of Hon'ble the Chief Justice of this Court, which states that no application may be entertained in the pending civil cases during winter vacation. It can significantly be noted that this order is directory in nature and it inherently be interpreted that in exceptional cases if the exigency/urgency is drawn to the attention of this Court then such an application may be entertained.

This Court, finds such an exigency/urgency in the instant case.

Petitioner-Harish Danu, was transferred from Srinagar to Rudraprayag, but on his medical ground he moved a stay application alongwith present writ petition, but as he was not granted any interim relief by this Court, so he was constrained to join at his new place of posting at Rudraprayag.

Learned counsel for the petitioner has submitted that now, the authorities are not permitting him either to work at Srinagar or to join at Rudraprayag for the reason that this writ petition is pending and as such his job is in jeopardy.

Looking to the above exigency, as has been argued by the learned counsel for the petitioner, his application to withdraw the writ petition is hereby accepted and the writ petition is dismissed as withdrawn.

(Servesb Kumar Gupta, J.)
Vacation Judge

31.01.2014
Sweta