

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1341 of 2014 (S/S)

Rajpal Singh Negi S/o Late Sri Dhar Singh Negi
...Petitioner

Versus

State of Uttarakhand and others
.....Respondents

Hon'ble Sudhanshu Dhulia, J. (Oral)

Heard Mr. Shivanand Bhatt, Advocate for the petitioner and Mr. Vinod Tiwari, Brief Holder present for the State/ respondents.

Petitioner is an Assistant Block Development Officer. He was transferred from District Pauri Garhwal to District Pithoragarh vide order dated 04.08.2014. Earlier he had challenged the transfer order dated 04.08.2014 before this Court by filing WPSS No.1168 of 2014. His writ petition was dismissed in limine by following order dated 14.08.2014:

“Petitioner is presently posted as Assistant Block Development Officer in District Pauri Garhwal. Now he has been transferred from District Pauri Garhwal to District Pithoragarh. He has challenged the transfer order. In the transfer order nowhere states that it is on administrative ground. Transfer is an exigency of service and it is an admitted fact that the post of petitioner is transferable post. No fault can be found made in the transfer order. Even in any case, interference can be made on very limited ground such as without jurisdiction and malafide. Malafide which is being alleged is also not substantiated nor the concerned person has been made a party.

In view thereof, the writ petition is dismissed in limine.”

After dismissal of the writ petition, petitioner had no alternative but to join at new place of posting at Pithoragarh. However, at Pithorgarh, it has been

informed that there are only 16 posts of Assistant Block Development Officers and all posts are filled and now there is no vacant post of Assistant Block Development Officer. However, the petitioner has given a formal joining at Pithoragarh but there is no work for him at Pithoragarh. Consequently, he has filed present writ petition.

The relief has been sought for quashing of the earlier order dated 04.08.2014 which cannot be granted by this Court as the earlier writ petition filed against that order has already been dismissed.

However, under the new facts which have emerged, the petitioner is at liberty to approach the Commissioner, Rural Development Department, Pauri Garhwal who shall look into the grievance of the petitioner and will also try to accommodate the petitioner at any suitable place within a period of three weeks from the date of production of the certified copy of the order.

In view thereof, the writ petition is disposed of accordingly. No order as to costs.

(Sudhanshu Dhulia, J.)
29.08.2014