

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
WRIT PETITION (S/B) NO. 466 OF 2015

Ram Briksh Yadav

.....Petitioner.

Versus

State of Uttarakhand and another

.....Respondents

Mr. Sandeep Adhikari, Advocate for the petitioner.

Mr. S.S. Chauhan, Deputy Advocate General for the State of Uttarakhand / respondents.

Dated: 30.10.2015

Coram: Hon’ble K.M. Joseph, C.J.
Hon’ble V.K. Bist, J.

K.M. Joseph, C.J. (Oral)

Petitioner has approached this Court seeking the following relief:

“i) issue a writ, order or direction in the nature of certiorari for quashing the impugned transfer order dated 30.07.2015, passed by the respondent no. 2, insofar as it relates to the petitioner (as contained in annexure No. 1 to the writ petition).”

2. Briefly put, the case of the petitioner is as follows:

Petitioner has been transferred from Haldwani, District Nainital to Kashipur, District Udham Singh Nagar. The distance is said to be 65 kilometers, according to the learned Deputy Advocate General. Petitioner has, according to him, rendered 28 years of continuous satisfactory service. He has rendered more than 17 years’ service in remote parts of the Hill district.

3. It is stated that there is a frivolous writ petition in the form of Public Interest Litigation against the petitioner. Learned counsel for the petitioner would submit that the petitioner is not at all guilty and in the Inquiry Committee, headed by the Superintending Engineer and constituted by the Government, petitioner has not been

found guilty. It is the case of the petitioner that his work and conduct is excellent. He has a further case that his son is in 12th Standard and the daughter is in 8th Standard. Therefore, learned counsel for the petitioner would submit that the petitioner may be, at least, allowed to continue till the end of the academic year.

4. We would think that in the circumstances of the case, petitioner may not be granted relief under Article 226 of the Constitution as such, but at the same time, we would think that the representation of the petitioner, at least, for continuance till the end of the academic year may be considered by the appropriate Authority. Accordingly, while we decline to interfere with the order of transfer, we direct that if the petitioner represents before respondent no. 2 within a period of one week from the date of receipt of a certified copy of the order, respondent no. 2 will look into the grievance of the petitioner and take a decision in accordance with law within a period of ten days thereafter.

5. The writ petition will stand disposed of.

(V.K. Bist, J.)
30.10.2015

(K.M. Joseph, C.J.)
30.10.2015

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