

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition (S/B) No. 562 of 2015**

Pooran singh Bisht

.....Petitioner

**Versus**

State of Uttarakhand and others

.....Respondents

Mr. Bhagwat Mehra, Advocate for the Petitioner.

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

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

**JUDGMENT**

**Date: 23<sup>rd</sup> December, 2015**

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

Prayers in the writ petition are as follows:

“A. To issue a writ order or direction in the nature of mandamus directing the Respondent No. 1 to consider and promote the petitioner to the post of Deputy Commissioner, Rural Development Department against the vacancies of recruitment year 2010-11 from due date in the Pay Scale of Rs. 37400-67000 Grade Pay Rs. 8700.  
B. To issue a writ order or direction in the nature of mandamus commanding the Respondents to grant all consequential benefits to the petitioner.

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

Petitioner, after appointment in the cadre of Extension Training Officer in 1976, was promoted on 06.06.2015 as Principal, Class-I. There is reference to several posts of Deputy Development Commissioner lying vacant. In 2009, his complaint is that, only persons belonging to District Development Officer's cadre were being considered. Respondents framed another statutory Service Rules in 2011. The promotional avenues of the petitioner and other similarly situated persons were taken away. Petitioner filed Writ Petition No. 152 (S/B) of 2012. Petitioner retired on 31.08.2012. The writ petition was decided on 07.05.2013. Pursuant to that, petitioner filed a contempt. In the meantime, DPC was convened on 25.10.2013 and the petitioner claims that in the Departmental Promotion Committee held on 25.10.2013, the petitioner's name was not considered. There

is reference to Writ Petition No. 327 (S/B) of 2013 filed by one Satyaveer Singh. Subsequently contempt was dismissed. Promotion was given to one Sri Ganesh Singh Khati and Sri Arun Kumar Rajpoot, who are allegedly much junior to the petitioner by order dated 11.08.2015. Thereupon, petitioner submitted Annexure -11 representation dated 24.08.2015. Petitioner also filed Annexure-12 representation dated 07.09.2015 and, thereafter, petitioner approached this Court based on Annexure -13 order dated 25.06.1984 and Annexure-14 order dated 23.06.2003. These orders are related to grant of notional promotion.

3. Having heard the learned counsel for the petitioner and the learned Deputy Advocate General, we dispose of the writ petition by directing respondent no. 1 to consider and take a decision on Annexure-12 representation strictly in accordance with law. We have not pronounced on the merits of the petitioner's claim at all and it will be open to the first respondent to take a decision on Annexure-12 representation of the petitioner strictly as per law. The decision will be taken within a period of two months from the date of receipt of a certified copy of this judgment.

**(V.K. Bist, J.)**

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

23.12.2015

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