
(2011) 01 UK CK 0024

In the Uttarakhand High Court

Case No : Writ Petition No. 436 of 2009

Balwant Singh Mehra

APPELLANT

Vs

Chief General Manager, Uttarakhand Jal Sansthan and Others

RESPONDENT

Date of Decision : 05-01-2011

Acts Referred:

Citation : (2011) 01 UK CK 0024

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Judgement

Sudhanshu Dhulia, J.—Heard Sri N.K. Papnoi, Advocate for the Petitioner and Sri Rakesh Thapliyal, Advocate for the Respondents.

2. The Petitioner is a "beldar/chowkidar" in "Uttarakhand Jal Sansthan". The Petitioner was though appointed in the year 1984 in "Jal Sansthan" as a Pump Operator on daily rated basis, his services were only regularized on the post of "Beldar/Chowkidar" vide order dated 26.2.1997. As such, the Petitioner has been working since 1997 on a regular post of "Beldar/Chowkidar" in "Jal Sansthan".

3. Though in spite of several opportunities, the counsel representing "Jal Sansthan" has not filed counter affidavit. The Petitioner now claims salary of the post of Pump Operator. He claims to have been working as Pump Operator since 1997 and also he has I.T.I. certificate. In other words, he is qualified for the post of Pump Operator.

4. All the same, no such relief can be granted by this Court, inasmuch as the Petitioner was appointed only on the post of "Beldar/Chowkidar". However, learned Counsel for the "Jal Sansthan", Sri Rakesh Thapliyal very fairly conceded that on enquiry he has found that the Petitioner is in fact working as a Pump Operator from time to time. As such, though no relief can be granted to the Petitioner, which he is presently claiming, the Chief General Manager, "Uttarakhand Jal Sansthan" is hereby directed to consider the case of the Petitioner for promotion/appointment to the post of Pump Operator immediately.

The Petitioner claims that meanwhile even if the post of Pump Operator is not available, he is liable to get the salary of an I.T.I. certificate holder. Nothing to elaborate on this aspect has been pleaded in this writ petition. All the same, the Petitioner is at liberty to make a representation before the Chief General Manager, "Uttarakhand Jal Sansthan" which shall be disposed of in accordance with law.

5. With these observations, writ petition is disposed of. No order as to costs.