
(2011) 02 UK CK 0072

In the Uttarakhand High Court

Case No : Writ Petition No. 70 of 2011 (S/S)

Bhudev Singh Chauhan

APPELLANT

Vs

Uttarakhand Forest Development Corporation and Others

RESPONDENT

Date of Decision : 14-02-2011

Acts Referred:

Citation : (2011) 02 UK CK 0072

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J.—Heard Mr. Kamlesh Lohani, Advocate holding brief of Ms. Indu Sharma, Advocate for the Petitioner and Mr. Virendra Kaparwan, Advocate for the Respondents.

2. The Petitioner is a Deputy Logging Officer in Uttarakhand Forest Development Corporation. He has been working since 2004 in Tons Forest Division. The Committee, which was constituted in the year 2010 for transfer recommended the transfer of the Petitioner from Tons Forest Division to Tehri Forest Division. Vide order dated 15.7.2010, the Petitioner was transferred. He challenged this order before this Court by filing Writ Petition No. 672 of 2010 (SS). The learned Single Judge while rejecting the petition on merits, however, granted liberty to the Petitioner to move a representation before the concerned Authorities. The concerned Authorities have now rejected the representation of the Petitioner vide order dated 26.8.2010. The Petitioner firstly did not annex the order of this Court order dated 10.8.2010, by which his earlier petition was dismissed. Effectively, the Petitioner has challenged the impugned transfer order dated 15.7.2010 again in this writ petition, although his earlier writ petition stood dismissed as no relief as sought for was granted to the Petitioner. As such, it is barred by the principle of res judicata. The Petitioner, however, could challenge the order dated 26.8.2010, by which his representation has been dismissed. The only challenge to the transfer in the writ petition was that his wife is a teacher in Junior High

School at Purola, which is near Tons, and the Government Order is to the effect that as far as possible, the husband and the wife may be posted at the same place. The Government Order does not given any indefeasible right either to the husband or to the wife to remain posted at the same place. The representation filed by the Petitioner in consequence of his earlier writ petition was rightly rejected. There is absolutely no merit in the writ petition and the same is hereby dismissed.

3. No order as to costs.