

(2019) 06 UK CK 0083

In the Uttarakhand High Court

Case No : Writ Petitoin No. 228 Of 2019 (S/B)

Dayadhar Bhatt

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 20-06-2019

Acts Referred:

Citation : (2019) 06 UK CK 0083

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Vinay Kumar, Paresh Tripathi

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

Heard Mr. Vinay Kumar, learned counsel for the petitioner and Mr. Paresh Tripathi, learned Chief Standing Counsel for the State of Uttarakhand.

The petitioner's grievance in this writ petition is that, pursuant to the observation made by the Division Bench of this Court in WP (S/B) No. 145 of 2016 dated 10.03.2017, he was attached to the Office of the Divisional Forest Officer, and was entrusted clerical duties vide proceedings dated 19.01.2019; and, since he holds a gazetted post of Range Officer, he cannot be entrusted with clerical duties.

In its order, in Writ Petition No.455 of 2018 (S/B) dated 03.10.2018, the Division Bench noted that there were numerous complaints against the petitioner on record, including absenteeism from office as well as being found drunk in the office; the scope of judicial review regarding orders of transfer/attachment was extremely limited; transfer/attachment orders could only be interfered with if they were actuated with legal or factual malafides or were issued in infraction of the Act or the Rules framed governing the transfer; and, therefore, the writ petition was liable to be dismissed.

While it is, no doubt, true that serious allegations, of the petitioner being found drunk in the office, have been made by the authorities, which may necessitate disciplinary action being taken against him, but that would not mean that, even without disciplinary proceedings being initiated, and action being taken pursuant thereto, he can be entrusted with the duties to be discharged by an employee in the clerical cadre, though he holds the gazetted post of Range Officer.

When the matter came up earlier, we had granted time to the learned Standing Counsel for the respondents to obtain instructions. Mr. Paresh Tripathi, learned Chief Standing Counsel, on instructions, would submit that the impugned proceedings have been cancelled; and the petitioner has now been entrusted with the duties of a the Range Officer. Recording this submission of the learned Chief Standing Counsel, and as the cause in the writ petition no longer survives, the writ petition is closed.

Suffice it to make it clear that the order now passed by us shall not disable, the respondents, if they so choose, from taking disciplinary action in accordance with law, against the petitioner, for allegations of absenteeism and coming drunk to the office. No costs.