
(2010) 09 UK CK 0053
In the Uttarakhand High Court
Case No : Writ Petition 858 (S/S) of 2010

Deepak Sharma

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 21-09-2010

Acts Referred:

Citation : (2010) 09 UK CK 0053

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.S. Verma, J.—Heard Mr. M.C. Pant, learned Counsel for the petitioner and Mr. Subhash Upadhyay, learned Brief Holder, for the respondents.

2. By means of this petition the petitioner has sought the following relief

1. To issue a writ, rule or direction in the nature of mandamus restraining the respondent Nos. 1 and 2 to give effect the proposed transfer of the private respondent, pursuant to impugned letter dated 20-7-2010 and letter dated 1-9-2010 on the post of Accountant in MDDA Dehradun and further to direct the respondents 1 to 3 to maintain status quo in respect of the position and status held by the petitioner pursuant to the order dated 10-2-2009 and 12-6-2009 on the post of Accountant till the decision of the Public Services Tribunal after calling the entire record.

2. To issue writ, rule or direction in the nature of mandamus directing the respondent No. 1 not to make any hurdle or hindrance on the working of the petitioner as discharging the duties of accountant pursuant to the order dated 10-2-2009 and 12-6-2009.

3. Issue any other writ, rule or direction, which this Court may deem fit and proper in the circumstances of the case.

4. Award the cost of the petition.

3. Perusal of record reveals that by the impugned order dated 20-7-2010, Annexure No. 8 to this writ petition, Additional Secretary, Government of Uttarakhand, sought the report from the respondent No. 3 on the issue of transfer of respondent No. 5, Sri Satendra Pal Singh Rana, Accountant Lake Development Authority, Nainital, to the post of Accountant in M.D.D.A. Dehradun and vide letter dated 1-9-2010, Annexure No. 13, again sought the report from respondent No. 3 on the issue of proposed transfer of respondent No. 5.

4. By perusal of above impugned orders it is quite clear that no transfer order has been passed, transferring the respondent No. 5 on the post of Accountant at M.D.D.A. and the writ petition is premature.

5. Therefore, the writ petition is dismissed in limine.

6. However, if the petitioner has any grievance by the actions of the respondents, he may make representation either before the respondent No. 2, Additional Secretary, Govt. of Uttarakhand, or the Public Service Tribunal, where the claim petition of the petitioner for setting the order dated 25-9-2007 is pending disposal, who may decide the representation of the petitioner in accordance with law.