
(2024) 01 UK CK 0042

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 2349 Of 2023

Dharmendra Singh And Another

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 08-01-2024

Acts Referred:

Citation : (2024) 01 UK CK 0042

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Vinay Kumar, Virendra Singh Rawat

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. It is the case of the petitioners that the petitioners were selected for the post of Personal Assistant, Post Code No.736/760/26/2020, pursuant to the advertisement dated 27.07.2020, issued by the UKSSSC, and their names were recommended for appointment by the recommendation dated 26.05.2023. The petitioners have not been appointed by the respondent/State so far, despite of lapse of period of seven months. Feeling aggrieved by inaction on the part of the respondent/State, the petitioners are before this Court.

2. On previous date, the State was directed to seek instructions as to why the petitioners are not being given appointment on the post, despite of the recommendation. Today, the learned Standing Counsel came up with the instructions in writing dated 05.01.2024, and on the basis of the instructions, which has been received by him, it is pointed out that the posts against which the petitioners were selected and recommended for regular appointment are occupied by Ms. Rajni Chauhan and Ms. Ritu Shah, who were appointed through UPNL, as contractual appointees.

3. It is further submitted by the learned Standing Counsel that the case of the

persons, who have been appointed through UPNL, is pending consideration in the SLP before the Hon'ble Apex Court. However, there is no interim order/stay order in favour of these petitioners. It is further pointed out by the learned State Counsel that one of the UPNL employees are party respondents in the SLP No.563 of 2021, pending before the Hon'ble Apex Court, and in that SLP, the Hon'ble Apex Court has directed to bring on record the LR of the deceased respondent. However, it is pointed out by the learned State Counsel that the order passed by this Court, which is under challenge in the aforesaid SLP, has been stayed.

4. The attention of this Court was drawn to paragraph 4 of the written instructions, wherein, it has been clearly mentioned on the advice of the personnel department that if there is no stay order in favour of the UPNL employee, the persons, who have been selected and recommended, their appointment cannot be withheld.

5. Having considered the rival contentions, as well as the written instructions, which is placed on record today, this Court is of the opinion that the petitioners cannot be deprived of their right of being appointed after recommendation vis-a-vis contractual employee working with the respondent Department, particularly when the judgment and order passed by this Court has been stayed on States SLP No.563 of 2021, and there is no interim order in favour of the UPNL employees.

6. In this view of the matter, the writ petition is allowed. A writ of mandamus is issued to the respondent no.3, to give appointment to the petitioners pursuant to the recommendations dated 26.05.2023, positively, within a period of thirty days' from the date of the receipt of the certified copy of this order.