

(2020) 09 UK CK 0014

In the Uttarakhand High Court

Case No : IA No. 8237 Of 2020 (Miscellaneous Application) In Writ Petition (S/B)
No. 154 Of 2013

D.K. Sharma

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 04-09-2020

Acts Referred:

Citation : (2020) 09 UK CK 0014

Hon'ble Judges : Ravi Malimath, J;R.C. Khulbe, J

Bench : Division Bench

Advocate : H.S. Sharma, S.S. Chauhan

Final Decision : Dismissed

Judgement

Ravi Malimath, J

1. This application is filed for seeking permission to withdraw the petition with a liberty to refile again before this Court.
2. We have heard the learned counsel on the same.
3. Since the petitioner intends to withdraw the petition, he shall be permitted to do so. However, the liberty to refile the petition before this Hon'ble Court once again in our considered view, cannot be granted. This is in view of the fact that on the previous date, after lengthy arguments were advanced, we brought it to the notice of the learned counsel that the appropriate remedy would be to approach the Public Service Tribunal and that the petition cannot be filed directly before the Hon'ble High Court.
4. Since that is the position in law, it is not possible for this Court to grant liberty to the petitioner of not availing the alternative remedy but to come back to this Court once again.
5. Various other errors were also pointed out to the petitioner. Ostensibly the petition is being withdrawn for these reasons. Therefore, we cannot grant him

liberty to overlook the law. However, he is always at liberty to pursue all those remedies available to him under law.

6. For the aforesaid reasons, the application is allowed. The petition is dismissed as withdrawn with the liberty to the petitioner to pursue such remedies, as available in law.