
(2011) 04 UK CK 0038

In the Uttarakhand High Court

Case No : Writ Petition No. 1108 of 2010 (S/S)

Govardhan Singh Saini

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 29-04-2011

Acts Referred:

Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991 — Rule 21, 23

Citation : (2011) 04 UK CK 0038

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Judgement

Sudhanshu Dhulia, J.—Heard Mr. N.S. Pundir, counsel for the Petitioners and Mr. N.P. Sah, Standing Counsel for the Respondents.

2. The Petitioner is a Head Constable and was given a minor punishment by way of censure entry by order-dated 3.11.2009. This order was challenged by the Petitioner in appeal provided under Rule 21 of the U.P. Subordinate Police Officer (Punishment and Appeal) Rules, 1991. This appeal of the Petitioner was dismissed by the Appellate Authority on 9.9.2010 and consequently the Petitioner moved a revision under Rule 23 of the Rules, which is pending before the Director General of Police, Uttarakhand. Meanwhile, the promotion exercise to the post of Sub Inspector has taken place in which the name of the Petitioner was not considered since there was a minor penalty against the Petitioner. The Petitioner has, therefore, made the following prayers in the writ petition:

i) issue a writ, in the nature of certiorari quashing the impugned orders dated 3.11.2009 and 9.9.2010 passed by Respondent Nos. 5 and 3 respectively (contained as Annexure Nos. 6 and 7 to this writ petition).

ii) issue a writ, in the nature of certiorari quashing the impugned promotion notification dated 3.11.2010 issued by Respondent No. 4 (contained as Annexure No. 9 to this writ petition).

ii) issue a writ, order of direction in the nature of mandamus commanding/ directing the Respondents to promote the Petitioner on the post of Sub Inspector.

iii) issue any other relief, which this Hon"ble Court may deem fit and proper in the circumstances of the case be passed in favour of Petitioner.

iv) cost of the petition be awarded in favour of Petitioner.

3. This Court finds no justifiable reasons to interfere in the matter at this stage inasmuch as admittedly a statutory revision is pending before the Director General of Police, Uttarakhand. Therefore, this petition is disposed of with the following direction:

4. The Director General of Police, Uttarakhand is directed to dispose of the revision of the Petitioner as expeditiously as possible, inasmuch as the revision is pending before him since January, 2011 as per the averments made in the writ petition.

5. No order as to costs.