
(2010) 12 UK CK 0208

In the Uttarakhand High Court

Case No : Writ Petition No. 1039 of 2003

Gyan Prakash Pandey and Another

APPELLANT

Vs

State of Uttaranchal and Others

RESPONDENT

Date of Decision : 13-12-2010

Acts Referred:

Citation : (2010) 12 UK CK 0208

Hon'ble Judges : Barin Ghosh, C.J;Nirmal Yadav, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Barin Ghosh, C.J.—At the time of reorganization of State of Uttar Pradesh, thereby carving out State of Uttarakhand, the Central Government was bestowed with the obligation of allocating employees of the State of Uttar Pradesh who will henceforth become employees of the State of Uttarakhand. In the decision dated 11th September 2001 Central Government decided, amongst others, that people, who have been appointed in the Divisional Cadres of the divisions situate in the State of Uttarakhand, will be allocated to the State of Uttarakhand. Petitioners belong to the Divisional Cadre of one of the divisions which has now become a division of the State of Uttarakhand. The said decision of Central Government dated 11th September 2001 has been rendered without giving any opportunity of hearing to Petitioners, and hence the present writ petition.

2. Being members of Divisional Cadre, Petitioners for all practical purposes should not only be deemed to be members of Divisional Cadre but should always be deemed to be in the Divisional Cadre. That being the situation, they would always remain in the division and even after transfers they would not be out of the division. An employee, who has chosen to accept such an employment, has been permitted to work under the same condition by his allocation to the State of Uttarakhand. The decision thus taken is, therefore, for the benefit of all such employees. In matters of that nature, we do not think any of the persons for whose benefit such decision was taken was to be noticed for the purpose of

giving an opportunity of hearing.

3. The writ petition accordingly fails and the same is dismissed.