
(2011) 06 UK CK 0062

In the Uttarakhand High Court

Case No : Writ Petition No. 152 of 2010 (S/B)

Indrajeet Bose and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 15-06-2011

Acts Referred:

Citation : (2011) 06 UK CK 0062

Hon'ble Judges : Barin Ghosh, C.J.;Serves Kumar Gupta, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Barin Ghosh, C.J.—The promotional Rules, governing promotion of Junior Engineers to Assistant Engineers, provided a quota for direct recruits and the remaining for promotees. The quota for direct recruits was reduced and thereby promotional posts available for promotees stood increased. This action was challenged before the Hon''ble Allahabad High Court by filing several writ petitions. In those writ petitions, interim orders were not passed. Thus, the alteration in the quota was not interfered with. In the altered quota, promotions were granted in 1998. While those promotions were granted by the State of Uttar Pradesh, it was stated that they are subject to the outcome of the writ petitions, pending in the Hon''ble High Court at Allahabad. Subsequent thereto, those writ petitions were decided by the Hon''ble High Court at Allahabad, when it interfered with the alteration. In the present writ petition, Petitioners are contending that the promotions, thus granted with the condition so attached, must be cancelled.

2. The facts, as above, indicate that there was a quota and that quota stood altered. Subsequent thereto, by reason of the judgment of the Hon''ble Allahabad High Court, the quota, as was originally prevalent, stood retrieved. In the circumstances, the quota was as such as the same was until the quota was altered. Subsequently, the quota was, as it stood, altered and thereupon, by reason of the judgment of the Hon''ble Allahabad High Court, quota stood

revived back to its original. In the event promotions, given by the State of Uttar Pradesh had been given when the altered quota was in vogue, unless, while dealing with the matter, Hon''ble Allahabad High Court had interfered with the same, in law, it must be deemed that the people thus promoted were promoted in the quota that was available for them at the time when they were promoted. The Hon''ble Allahabad High Court, having had not said a word about promotions given in the altered quota during the pendency of the writ petitions before the Hon''ble Allahabad High Court, it must be deemed that the promotions given in the altered quota during the pendency of the writ petitions before the Hon''ble Allahabad High Court were available for the promotees in the quota available for them and, accordingly, the same cannot be questioned.

3. The writ petition, accordingly, stands dismissed.