
(2010) 12 UK CK 0160
In the Uttarakhand High Court
Case No : Writ Petition (S/B) No. 38 of 2004

Mohan Lal Tamta

APPELLANT

Vs

State of Uttaranchal and Others

RESPONDENT

Date of Decision : 07-12-2010

Acts Referred:

Citation : (2010) 12 UK CK 0160

Hon'ble Judges : Barin Ghosh, C.J.;V.K. Bist, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Barin Ghosh, C.J.—Petitioner-Mohan Lal Tamta filed the present writ petition being aggrieved of grant of promotion to Shri Kishan Nath as Additional Secretary. It was contended that Shri Mohan Lal Tamta is senior most Joint Secretary and, inasmuch as, the policy for promotion is seniority subject to declaration of unfit, Shri Kishan Nath could not be promoted without considering the case of promotion of Mohan Lal Tamta.

2. The name of Shri Vipul Sharma, Advocate is appearing in the cause list as the counsel for Mohan Lal Tamta. Shri Sharma has submitted that he has not yet received the power from Mohan Lal Tamta. Shri Sharma submitted that despite making all out effort for last few weeks, he has not been able to obtain any instructions from Mohan Lal Tamta.

3. While considering another writ petition being Writ Petition (S/B) No. 23 of 2005, we have come to learn that Mohan Lal Tamta was promoted to the post of Additional Secretary pursuant to the decision of the Departmental Promotion ommittee taken on 2nd February, 2005. We have further come to know that Shri Mohan Lal Tamta has since retired and, accordingly, the post of Additional Secretary held by him before his retirement has been supplied by another Joint Secretary. In such view of the matter, it appears to us that Shri Mohan Lal Tamta may not be any longer interested in pursuing the present writ petition.

4. We, accordingly, dismiss the writ petition for non-prosecution.