

(2018) 06 UK CK 0027

In the Uttarakhand High Court

Case No : Writ Petition No. 1591 (S/S) of 2018

Naveen Chandra Pujari

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 15-06-2018

Acts Referred:

Transfer Act, 2017 — Section 7

Citation : (2018) 06 UK CK 0027

Hon'ble Judges : SHARAD KUMAR SHARMA, J

Bench : Single Bench

Advocate : I.D. Paliwal, M.C. Tiwari

Final Decision : Disposed Off

Judgement

SHARAD KUMAR SHARMA, J.

1. The precise issue which has been raised by the petitioner while giving challenge to the list prepared under Section 7 (Kha), under the annual

transfer exercise being taken by the respondents under the Transfer Act, 2017, is that after his initial appointment as made on 29.06.1990, he was

posted as Lecturer (Chemistry) in the G.I.C. Kunelakhet, Block Tarikhet, District Almora, he remained there till he was ultimately promoted on

09.07.2002. That means petitioner for a period of 12 years, he has worked in G.I.C. Kunelakhet, Block Tarikhet, District Almora, which is an

institution situated in Durgam Area. Later on, he was transferred to G.I.C., Deenapani, District Almora as Lecturer (Chemistry).

2. The argument of learned counsel for the petitioner is that from the date of induction i.e. 29.06.1990 till 09.07.2002 i.e. for a continuous period of 12

years, he has worked in an institution which has been categorized as Group-D Institution situated in Durgam Area. Hence while preparing the list

under the transfer policy, he ought to have been given weightage of having rendered 12 years of service in Durgam Area while considering his transfer.

3. In support of this contention, the learned counsel for the petitioner has made a reference (Annexure-3 to the writ petition), wherein (page 33),

G.I.C., Kunelakhet is shown as Category-D i.e. Durgam Area Institution. Despite of it, the grievance of the petitioner is that when the respondents

prepared the list which is impugned in the writ petition as (Annexure-7) in the last column it is shown that petitioner has rendered zero years of service

in remote area. The effect of such a remark given in the list would be that the petitioner apprehends, that he may be yet again place in a Durgam area

and his services in Durgam area for the period of 12 years would be of no result. This apprehension of being placed in a Durgam Area, despite of the

fact having already rendered the 12 years of services in Group-D, Durgam Institution for last 12 years and for redressal of his grievance he has

submitted his representation on 30.05.2018 contemplated under the Act, before the Additional Director Secondary Education, the same is pending

consideration.

4. The writ petition is disposed of, at that stage, with a direction to the Additional Director Secondary Education to reconsider the entire service record

of the petitioner and to consider the period which he has rendered in various categories of the institution and to redetermine his placement in the list of

the proposed transferees and then only take a decision of transferring the petitioner anywhere in accordance with the decision taken thereof, in

compliance of this order, the decision would be taken positively by the respondent no.3 within a period of one month from today and for a period of

four weeks only the effect of the transfer order, so far as it relates to petitioner, shall remain stayed..

5. In view of the above observations, writ petition is disposed of. However, there would be no order as to costs.

6. Stay Application No.8057 of 2018 stands disposed of.