
(2010) 02 AHC CK 0032
In the Allahabad High Court
Case No : C.M.W.P. No. 6733 of 2010

Omkar Gangwar

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 09-02-2010

Acts Referred:

Citation : (2010) 126 FLR 255

Hon'ble Judges : S.P. Mehrotra, J;K.N. Pandey, J

Bench : Division Bench

Advocate : Pratap Narain Gangwar, for the Appellant;

Final Decision : Dismissed

Judgement

Satya Poot Mehrotra and Kashi Nath Pandey, JJ.—The present writ petition has been filed by the petitioner inter alia praying for directing the respondent No. 2 to give the benefit of seniority to the petitioner from the date of his appointment.

2. It appears that a Tentative Seniority List of Block Development Officer was published on 6.5.2008 by the Commissioner Village Development, U.P. Lucknow wherein name of the petitioner was shown at serial No. 440 and date of his appointment was shown as 24.7.2007. Objections were invited against the Tentative Seniority List till 26.6.2008. It is averred in the writ petition that the petitioner sent his objection /representation on 20.6.2008 in respect of the Tentative Seniority List of Block Development Officer claiming his date of appointment as being 13.11.1987 instead of 24.7.2007 as shown in the Tentative Seniority List.

3. On 30.1.2009 the final seniority list was declared wherein the petitioner was again shown at Serial No. 440.

4. The grievance of the petitioner is that his objection to the Tentative Seniority List have not been considered, seniority list has been finalized.

5. There is no dispute that the petitioner has got alternative remedy of

approaching the U.P. State Public Service Tribunal under the provision of U.P. Public Service (Tribunal) Act, 1976.

6. Having regard to the nature of controversy involved in the present Writ Petition, we are of the view that it will be appropriate in the interest of justice that the petitioner be relegated to the alternative remedy available to him for approaching the U.P. State Public Service Tribunal.

7. In view of the above, the writ petition is dismissed on the ground of availability of alternative remedy.