

(2010) 02 AHC CK 0019
In the Allahabad High Court
Case No : C.M.W.P. No. 615 of 2010

Onkar Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 11-02-2010

Acts Referred:

Citation : (2010) 126 FLR 418

Hon'ble Judges : Satya Poot Mehrotra, J;Kashi Nath Pandey, J

Bench : Division Bench

Advocate : Siddharth, for the Appellant;

Final Decision : Dismissed

Judgement

Satya Poot Mehrotra and Kashi Nath Pandey, JJ.—Supplementary affidavit filed today on behalf of the petitioner be taken on record.

2. It appears that the petitioner is holding the post of Range Forest Officer.

3. By the order dated 25th November, 2009 (Annexure No. 1 to the writ petition), the petitioner has been transferred on the post of Assistant Unit Management Officer (Planning and Execution), J.I.C.A. Project, Renukoot Forest Division. Copy of the said order dated 25th November, 2009 has been filed as Annexure No. 1 to the writ petition.

4. Subsequently, by the order dated 17th December, 2009 (Annexure No. 6 to the Writ Petition), the petitioner has been relieved from his post as Incharge Forest Guard Training Center, Hastinapur, Meerut for joining at his transferred place in Renukoot Forest Division.

5. The present writ petition has been filed seeking quashing of the aforesaid orders dated 25.11.2009 and 17.12.2009.

6. We have heard Sri Siddharth, learned Counsel for the petitioner and Sri Pankaj Saxena, learned Standing Counsel appearing for the respondents.

7. It is submitted by Sri Siddharth that by the impugned order dated 25.11.2009, the petitioner is being posted on a post in a Project, and the post is not a departmental post. It is submitted that posting of the petitioner by the impugned order dated 25.11.2009 cannot be done without the consent of the petitioner.

8. Sri Pankaj Saxena, learned Standing Counsel submits that the posting of the petitioner is a departmental posting, and he will perform his duty under the control and supervision of the Additional Forest Officer. Sri Saxena has referred to paragraph Nos. 4, 5, 6 and 7 of the counter affidavit filed on behalf of the respondents in this regard.

9. We have considered the submissions made by the learned Counsel for the parties. In view of the categorical stand taken by the respondents that the posting of the petitioner pursuant to the order dated 25.11.2009 in Renukoot Forest Division is a departmental posting, the submissions made on behalf of the petitioner cannot be accepted. In our view, no illegality has been committed by the respondents in issuing the order dated 25.11.2009 and the consequential relieving order dated 17.12.2009.

10. The writ petition filed by the petitioner lacks merits, and the same is liable to be dismissed.

11. We may, however, observe, that it will be open to the petitioner to make representation before the respondent No. 2 regarding his grievance. In case such representation is made by the petitioner, the respondent No. 2 will consider the same expeditiously.

12. Subject to the above observations, the writ petition is dismissed.