
(2011) 05 UK CK 0116

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1380 of 2007

Padam Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 02-05-2011

Acts Referred:

Uttar Pradesh Reorganisation Act, 2000 — Section 73

Citation : (2011) 05 UK CK 0116

Hon'ble Judges : Barin Ghosh, C.J.;Sudhanshu Dhulia, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Barin Ghosh, C.J.—In terms of the directions of this Court, a supplementary counter affidavit is being filed beyond time granted therefor. Accordingly, an application has been made for condonation of delay in filing the said supplementary counter affidavit. A bench-copy of the said supplementary counter affidavit has not been submitted and that is the defect, which has been pointed out by the Office. Learned Counsel appearing on behalf of the State submits that in course of today, he will submit bench-copy of the supplementary counter affidavit. On such undertaking, the supplementary counter affidavit intended to be filed is kept with the record.

2. We asked the Respondents to file a supplementary counter affidavit in order to deal with Paragraph-13 of the writ petition, where the Petitioner has contended that he is a district cadre employee. This contention has been denied in the supplementary counter affidavit. But at the same time, it has been accepted that the Appointing Authority of the Petitioner was a district level officer. It has not been indicated in the supplementary counter affidavit that in terms of the Rules made, Petitioner could be transferred out from the district, in which he was appointed by the district level officer. That being the situation, the Petitioner, as it stands on the pleadings, is district level employee. In exercise of power u/s 73 of the U.P. Reorganisation Act, 2000, the Central Government has already decided

as far as in 2001 that all district level employees shall be allocated to the State within whose territorial jurisdiction the district falls. Petitioner being district level employee of the district, which has fallen in the State of Uttarakhand, in terms of the said decision of the Central Government, he must be deemed to have been finally allocated to the State of Uttarakhand and, accordingly, we allow the writ petition and quash the order relieving the Petitioner.