
(2018) 08 UK CK 0015
In the Uttarakhand High Court
Case No : Writ Petition No. 915 (SS) of 2017

Pratap Singh Mehta

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 02-08-2018

Acts Referred:

Regularization Rules, 2003 — Rule 4

Citation : (2018) 08 UK CK 0015

Hon'ble Judges : ALOK SINGH, J

Bench : Single Bench

Advocate : Ganesh Kandpal, M.S. Bisht

Final Decision : Dismissed

Judgement

ALOK SINGH, J.

1. Heard Mr. Ganesh Kandpal, Advocate for the petitioner and Mr. M.S. Bisht, Brief Holder for the State of Uttarakhand / respondents. Both the

counsel are ready to argue this matter finally today itself, therefore, with the consent of learned counsel for the parties, matter is heard finally.

2. Petitioner was engaged on daily wage basis in the Forest Department on 01.06.1975. After working for a considerable period, petitioner approached

this Court by way of filing WPSS No. 1399 of 2013 seeking regularization. The writ petition was disposed of by the Coordinate Bench vide order

dated 26.09.2013. In compliance of the Court's order, petitioner's service were regularized on the post of Chaukidar vide order dated

05.02.2014. Now, after a lapse of more than three years, petitioner has again approached this Court,

seeking following reliefs:

â??i. A Writ, order or direction in the nature of Mandamus directing the respondents to regularize the service of the petitioner on the post of Forest

Guard from the date junior to the petitioner has been regularized i.e. 15.09.2003.

ii. A writ, order or direction in the nature of Mandamus directing the respondents to grant the salary of the post of Forest Guard to the petitioner from

the date junior to the petitioner has been regularized i.e. 15.09.2003.â??

3. Petitioner nowhere stated that on which post he was working on daily wage basis. Petitioner himself claimed for regularization as per Rule 4 of the

Regularization Rules, 2003 and in this Rule, there is no provision for regularization on Group C posts. Admittedly, post of Forest Guard is Group C

post. Respondents no. 2 and 3 have filed counter affidavit. In para 7 of the counter affidavit, they have categorically stated that service conditions of

the Forest Guard are governed by provisions of the Subordinate Forest Service Rules. Claim of petitioner for regularization has already been admitted

by the respondent Department way back in 2014. Petitioner accepted the order of regularization without any protest. Now, after getting regularization,

petitioner cannot again approach this Court seeking regularization on Group C post, which is outside the purview of Regularization Rules. Second

petition for same relief is barred by principles of res judicata.

4. In view of the above discussion, I do not find any merit in the petition. Writ petition fails and is hereby dismissed. No order as to costs.