
(2010) 09 UK CK 0014

In the Uttarakhand High Court

Case No : Writ Petition No. 860 of 2010 (S/S)

Prem Singh Rawat

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 21-09-2010

Acts Referred:

Citation : (2010) 09 UK CK 0014

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.—Heard learned Counsel for the parties.

2. By means of this writ petition, the petitioner has sought writ in the nature of certiorari quashing the order dated 18.05.2010, passed by District Magistrate, whereby petitioner has been transferred from the post of Assistant Land Record Officer to the post of Naib Tehsildar in Tehsil Ghansali in place of respondent No. 3 and the respondent No. 3 has been transferred from Naib Tehsildar to Assistant Land Record Officer, Tehri Garhwal.

3. According to the petitioner, both the posts i.e. Assistant Land Record Officer and Naib Tehsildar are the feeding cadre for promotion to the post of Tehsildar but in fact there is no justification to transfer Assistant Land Record Officer to the post of Naib Tehsildar and Naib Tehsildar to the post of Assistant Land Record Officer since both the posts are governed by different service rules and seniority of the same are prepared separately. It is further stated that provision of transfer of both the posts are given in their respective service rules.

4. Learned Counsel for the petitioner, during the course of arguments has submitted that earlier in the year 2009, vide order dated 12.10.2009, same transfer order was passed on the representation, whereby implementation of transfer order was suspended on the grounds mentioned above.

5. The petitioner as well as respondent No. 3 have already filed representations

before Collector, Tehri Garhwal and the same is pending for disposal. In the interest of justice, it would be proper to direct the Collector to decide the representation of the petitioner as well as that of respondent No. 3 by a speaking and reasoned order after giving opportunity of hearing to both petitioner and respondent No. 3.

6. Having heard learned Counsel for the parties, the writ petition is disposed of directing the Collector to decide the representation of the petitioner as well as that of respondent No. 3 within a period of two weeks from the date of production of certified copy of this order.