
(2010) 12 UK CK 0207

In the Uttarakhand High Court

Case No : Writ Petition No. 1292 of 2004

Prem Singh Rithal and Another

APPELLANT

Vs

State of Uttaranchal and Others

RESPONDENT

Date of Decision : 13-12-2010

Acts Referred:

Citation : (2010) 12 UK CK 0207

Hon'ble Judges : Barin Ghosh, C.J;Nirmal Yadav, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Barin Ghosh, C.J.—Daily wage workers of U.P. Jal Nigam were transferred from one place to other by an order dated 14th November 2002. Petitioners were transferred respectively from Lucknow to Haldwani and Udham Singh Nagar to Haldwani. At the time when such transfer was effected, U.P. Jal Nigam had no establishment at Haldwani. The same had become part and parcel of the establishment of Uttarakhand Pey Jal Nigam by that time. Petitioners are seeking a mandamus directing Uttarakhand Pey Jal Nigam to permit them to join Uttarakhand Pey Jal Nigam at Haldwani pursuant to the said order of U.P. Jal Nigam dated 14th November 2002. In the absence of an agreement permitting U.P. Jal Nigam to transfer its employees to Uttarakhand Pey Jal Nigam, which is still absent from records of this case, the Court has to proceed on the basis that U.P. Jal Nigam had no authority to transfer any of its employees to Uttarakhand Pey Jal Nigam. In any event, Uttarakhand Pey Jal Nigam had and has no legal obligation to honour any such transfer.

2. In those circumstances, the order of transfer dated 14th November 2002 in so far as the Petitioners are concerned, is set aside. They shall remain posted at the place where they were working as had been shown in the order dated 14th November 2002.

3. This disposes of the writ petition.