

(2022) 10 UK CK 0017
In the Uttarakhand High Court
Case No : Writ Petition (S/B) No. 588 Of 2022

Ramesh Chand

APPELLANT

Vs

State Of Uttarakhand Through Secretary, Public Works
Department

RESPONDENT

Date of Decision : 12-10-2022

Acts Referred:

Citation : (2022) 10 UK CK 0017

Hon'ble Judges : Vipin Sanghi, CJ; Manoj Kumar Tiwari, J

Bench : Division Bench

Advocate : T.A. Khan, Vinay Bhatt, K.N. Joshi

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1) The petitioner has preferred the present writ petition to seek the following reliefs :

"i) Issue a writ, order or direction in the nature of mandamus commanding the respondent to consider and promote the petitioner from the post of Assistant Engineer to the post of Executive Engineer with effect from 2013 with all consequential benefits.

ii) Issue a writ, order or direction in the nature of certiorari quashing the order dated 15.04.2021 issued by the respondent (Contained as Annexure 1 to this writ petition) and the respondent may also be directed to reconsider the matter of the petitioner for promotion to the post of Executive Engineer from the post of Assistant Engineer.

iii) Issue a writ, order or direction in the nature of certiorari quashing the order dated 07.01.2020 issued by the respondent (Contained as Annexure No. 2 to this petition) by which the petitioner has been reverted back to the post of Assistant Engineer.

iv) Issue a writ, order or direction in the nature of mandamus declaring the government order dated 11.05.2005, bearing no. 1160(XXX)(2)/2005, (Contained as Annexure no. 3 to this petition) as ultra vires to the Constitution and the same may kindly be quashed by a writ of certiorari.

v) Issue a writ, order or direction in the nature of mandamus, commanding the respondent to provide the benefit of Assured Career Progression (ACP) as per Scheme of ACP.

2) The petitioner is a public servant. The reliefs sought by the petitioner can be considered and granted by the Uttarakhand Public Services Tribunal. Since the petitioner has an alternative efficacious remedy, we are not inclined to entertain this writ petition.

3) The writ petition is, accordingly, dismissed with liberty to the petitioner to approach the Uttarakhand Public Services Tribunal.

Stay Application (IA No. 01 of 2022) also stands disposed of.