

(2017) 08 UK CK 0024
In the Uttarakhand High Court
Case No : 366 of 2017

Ramesh Kumar

APPELLANT

Vs

Registrar, Cooperative Societies Uttarakhand and another

RESPONDENT

Date of Decision : 22-08-2017

Acts Referred:

Citation : (2017) 08 UK CK 0024

Hon'ble Judges : K.M. Joseph, Alok Singh

Bench : Division Bench

Advocate : B.P.S. Mer, N.S. Pundir

Judgement

1. Petitioner impugns order dated 11.08.2017 (Annexure No.1) whereunder he stands transferred from Tehri to Pithoragarh.
2. We heard Mr. B.P.S. Mer, learned counsel on behalf of the petitioner and Mr. N.S. Pundir, learned counsel on behalf of the second respondent, who has passed the impugned order. We see no reason to hear the first respondent.
3. Mr. B.P.S. Mer, learned counsel for the petitioner would point out that the petitioner is due to retire on 30.11.2017. He would further point out that by order dated 26.05.2016, petitioner, who was working as a General Manager, was transferred from Tehri to Dehradun. Still later, on 17.01.2017, he was transferred from Dehradun to Tehri and it is, thereafter, within a period of nearly seven months that the petitioner is

transferred to Pithoragarh. He would point out that under Regulation 38(c) of the Uttar Pradesh Cooperative Centralised Service Rules, 1976, transfer of a member of the service shall ordinarily not be made before five years of his service at one place. He would further point out that the Policy, which is adopted and is followed by the Bank, in relation to transfer, stipulates that a person should not be transferred when he has less than 2 years to retire. The home district of the petitioner is Tehri and he has been transferred to Tehri by order dated 17.01.2017.

4. When, we asked Mr. N.S. Pundir, learned counsel for respondent no. 2 to get instructions, he got instructions. He would submit that actually, the reason for transfer of the petitioner is that there is no one to man the post of General Manager at Pithoragarh, and at Tehri, there are two General Managers. Learned counsel for the petitioner Mr. B.P.S. Mer would then point out that the petitioner is due to retire within seven months and then anyone else has to be posted there.

5. In this case, we find that there are no allegations of mala fide. As far as Regulation 38(c) of the Uttar Pradesh Cooperative Centralised Service Rules, 1976 is concerned, no doubt, it provides that ordinarily a person is to be posted for a period of five years.

6. In the circumstances of the case, we would think that the interest of justice would be sub-served if we permit the petitioner to represent his grievance and a decision is taken on the same.

7. Accordingly, the writ petition is disposed of as follows:

If the petitioner represents before the second respondent within a period of one day from today, a decision will be taken

on the same, in accordance with law and also taking note of the Policy, within a period of one week from the date of receipt of the representation.

Till such time, the impugned order will be kept in abeyance.

8. Let certified copy of this judgment be issued today itself.