
(2019) 06 UK CK 0064

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 160 Of 2016

Sanjay Kumar Shukla & Others

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 19-06-2019

Acts Referred:

Citation : (2019) 06 UK CK 0064

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Prateek Tripathi, Vipul Sharma, S.R. Joshi, Shobhit Saharia

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J

1. Petitioners are working on Group - D posts in District Judgeship, Udham Singh Nagar. They seek promotion to Class III posts under 45% of quota, which according to the petitioners, is liable to be reserved for them for promotion to such posts.

2. Admittedly as of now, only 25% of the Class III posts are to be filled by way of promotion from Class IV employees, as the present petitioners. However, since the Class IV was declared as a dying cadre and in order to absorb Class IV employees on Class III posts, the State Government had increased this percentage on State Government posts, barring the posts under the judiciary, from 25% to 45%. Since it was done in all other posts, a similar request was also sent by the High Court for increasing this percentage from 25% to 45%.

3. Meanwhile another request was made by the High Court to the State Government that Class IV posts may not be declared as a dying cadre of the High Court and the subordinate posts, considering the nature of the work in Courts. The State Government has accepted this request vide its order dated 25.06.2014. Subsequent to such a request being accepted, the High Court

withdrew its resolution dated 24.07.2015, by which the High Court had sought the increase from 25% to 45%. This was so as the *raison d'être* for increasing the percentage of seats from 25% to 45% had gone. The reason was that Class IV posts had become a dying cadre then, now it is not the case.

4. This being the situation, the prayer as is being sought by the petitioners cannot be granted particularly in view of the fact that the High Court has withdrawn its resolution dated 24.07.2015.

5. Learned counsel for the petitioners has relied upon two judgments of this Court dated 11.12.2015 passed in WPSS No.586 of 2014 and 15.12.2015 passed in WPSS No.192 of 2015, where it has been held that 45% of Class III posts should be available for promotion to Class IV employees.

6. All the same, these directions were made as the aforesaid facts were not placed before the Court and now under the changed circumstances, the prayer as made by the petitioners cannot be granted.

7. Consequently, the writ petition fails and is hereby dismissed.