
(2017) 07 UK CK 0048
In the Uttarakhand High Court
Case No : 1928 of 2017

Santosh Kumar Bisht

APPELLANT

Vs

Nagar Panchayat & another

RESPONDENT

Date of Decision : 21-07-2017

Acts Referred:

Citation : (2017) 07 UK CK 0048

Hon'ble Judges : Manoj K. Tiwari

Bench : Single Bench

Advocate : M.S. Rawat, ? D.S. Patni, ? J.S. Bisht

Final Decision : Disposed

Judgement

1. Heard Mr. M.S. Rawat, Advocate holding brief of Mr. D.S. Patni, learned counsel for the petitioner, Mr. J.S. Bisht, learned counsel for the respondent and perused the records.

2. By means of present writ petition, petitioner has sought following reliefs:-

i) To issue a writ order or direction in the nature of mandamus quashing the impugned advertisement/quotation notice punished on 08.06.2013 so far as it relates to the post of Office Assistant. ii) To issue a writ order or direction in the nature of mandamus directing the Respondents to consider and appoint the petitioner on the post of Office Assistant, as earlier. iii) to issue any other suitable writ, order or direction which the Hon''ble Court may deem fit and proper to the circumstances of the case. iv) To ward the cost of the writ petition in favour of the petitioner.

3. Case of the petitioner is that in the year 2011, he was engaged as Office Assistant on contract basis in Nagar Panchayat, Dwarahat, District Almora. He worked in the said capacity upto 2013. His grievance is that after 2013, he was not re-engaged, despite availability of work and post. Petitioner's case is that when work and post is available then petitioner ought to have been re-engaged

in subsequent years and instead of re-engaging him, the concerned authority appointed someone else through outsourcing.

4. Mr. J.S. Bisht, learned counsel for the respondents, on the other hand, submits that petitioner was engaged in

2011 for a term of one year. Petitioner participated in the selection held in the year 2012 and on being selected, he was re-engaged for further period of eleven months. Thereafter, fresh selection was held in the year 2013 in which petitioner did not participate, therefore, his claim could not be considered by the Selection Committee. Thus, according to Mr. J.S. Bisht, petitioner himself is to be blamed for discontinuance of his engagement.

5. Learned counsel for the petitioner confines his prayer and submits that the Competent Authority be directed to consider petitioner's claim for re-engagement on contract basis.

6. Without going into merits of the case, this Court is of the opinion that interest of justice would be served, if petitioner is permitted to make representation to the Competent Authority and the same be decided within a stipulated time.

7. Accordingly, the writ petition is disposed of with liberty to petitioner to make an appropriate representation before respondent No. 1 - Executive Officer, Nagar Panchayat, Dwarahat, District Almora within ten days from today. If such representation is made, Executive Officer shall decide the same by passing a reasoned and speaking order, within a period of six weeks from the date of presentation of certified copy of this order.