
(2010) 11 AHC CK 0363
In the Allahabad High Court
Case No : Writ A. No. 60767 of 2010

Shiv Ram

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-11-2010

Acts Referred:

Uttar Pradesh Reorganisation Act, 2000 — Section 73

Citation : (2010) 126 FLR 462

Hon'ble Judges : Sunil Ambwani, J; Jayashree Tiwari, J

Bench : Division Bench

Judgement

1. The Petitioner is aggrieved by the relieving order, by which he has been asked to join State of Uttrakhand. It is contended that earlier in pursuance to Division Bench judgment presided over by Hon'ble Mr. Justice B.S. Chauhan (as he then was), the Petitioner's objection was heard and that the Petitioner was allocated State of U.P. Subsequently it appears that there was change in the number of posts to be allocated to the State of U.P. and State of Uttrakhand and accordingly the Petitioner was placed in the list of allocation to State of Uttrakhand. He filed a Writ Petition No. 68478 of 2006, which was clubbed with and decided with the bunch of writ petitions led by Writ Petition No. 49431 of 2005 Ram Pal Singh (III) v. State of U.P. and Ors., in which directions were issued that in the cases, where objections have not been considered, the same will be considered by the Union of India in consultation with the States u/s 73 of the U.P. Reorganisation Act, 2003 within three months after giving fullest opportunity of hearing and passing reasoned order.

2. The question to be considered is, as to why the seats were reallocated and whether the earlier opportunity afforded to the Petitioner would be sufficient in discharge of the directions given by the Court on 19.11.2009.

3. Let the Respondents file a detailed counter affidavit giving justification of re-distribution of the posts and whether any fresh opportunity was given to the Petitioner, and similarly situate persons and if no, the reasons for which such

opportunity was not afforded.

4. List on 25.11.2010 showing the name of Shri K.K. Roy also as counsel for Respondents. If no counter affidavit is filed, the Court may consider to permit the Petitioner to re-join in the State of U.P.