
(2012) 04 UK CK 0012
In the Uttarakhand High Court
Case No : Special Appeal No. 61 of 2012

Sri Gopi Ram

APPELLANT

Vs

The State of Uttarakhand and others

RESPONDENT

Date of Decision : 16-04-2012

Acts Referred:

Citation : (2012) 04 UK CK 0012

Hon'ble Judges : Barin Ghosh, C.J; Umesh Chandra Dhyani, J

Bench : Division Bench

Advocate : Jitendra Chaudhary, for the Appellant; Vinay Kumar for the State/ respondent Nos. 1 to 4, for the Respondent

Judgement

Barin Ghosh, C.J.—Appellant substantially holds the post of Assistant Land Record Officer. By an order dated 15th October, 2011, he was granted a promotion to the post of Tehsildar for a period of 89 days or till such time, a permanent arrangement is made. While the appellant was discharging his duties as Assistant Land Record Officer at Udham Singh Nagar, he was also discharging the duties of Tehsildar at Udham Singh Nagar. Transfer order of Tehsildar, Udham Singh Nagar, Shri K.K. Singh was cancelled and, accordingly, he was to be posted as Tehsildar at Udham Singh Nagar. It is not the contention of the appellant that there are more than one posts of Tehsildar available at Udham Singh Nagar. Accordingly, by an order dated 26th March, 2012, while Shri K.K. Singh has been asked to discharge the duties of Tehsildar, Udham Singh Nagar, appellant has been asked to discharge the duties of Assistant Land Record Officer at Udham Singh Nagar. This order has been unsuccessfully assailed by the appellant. Hence the present appeal. It is the contention of the appellant that he is the senior most Assistant Land Record Officer. It is also the contention of the appellant that Assistant Land Record Officers, who are junior to him, have been asked to discharge the duties of Tehsildar. The learned Judge, who dealt with the writ petition of the appellant, has recorded a finding that the appellant was junior most at the Collectorate, Udham Singh Nagar. This finding is not being seriously

contested. However, it has been contended, without furnishing any particulars, that Assistant Land Record Officers, junior to the appellant and working in some other Collectorate, have been permitted to discharge the duties of Tehsildar. This aspect of the matter has not been dealt with by the judgment and order under appeal.

2. In the circumstances, while we do not interfere with the order as passed, inasmuch as, in the order, by which the appellant was asked to discharge the duties of Tehsildar, it was clearly held out that he has been asked to do so for a period of 89 days or till such time, a permanent arrangement is made. There is no dispute that the period of 89 days expired before the order dated 26th March, 2012 was passed and by that order a permanent arrangement has been made, but, at the same time, we request the State Government to ascertain whether anyone junior to the appellant is discharging the duties of Tehsildar in any other Collectorate and, if so, to do the needful. Let the said exercise be done within a period of one month from the date of service of a copy of this order upon respondent No. 2 and a communication in that regard be also sent to the appellant. This disposes of the appeal.