
(2011) 06 UK CK 0029
In the Uttarakhand High Court
Case No : Writ Petition No. 98 of 2011 (S/B)

Tara Dutt Waila

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 06-06-2011

Acts Referred:

Citation : (2011) 06 UK CK 0029

Hon'ble Judges : Tarun Agarwala, J; Serves Kumar Gupta, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Tarun Agarwala, J.—Petitioner filed the writ petition No. 3334/2004 before the Lucknow Bench of the Allahabad High Court praying for a writ of mandamus commanding the opposite parties to treat the Petitioner, as having being promoted as the Deputy Superintendent of Police w.e.f. September, 2001. The said writ petition was dismissed as infructuous by an order dated 11.5.2010. Subsequently, an application for recall of the said order was filed, which was disposed of by an order dated 21.2.2011, wherein the court observed that the withdrawal of the writ petition will not debar the Petitioner from seeking his grievances before the appropriate forum.

2. Armed with that order, the Petitioner has filed the present writ petition seeking the following relief"s: -

A. To issue a writ, order or direction in the nature of mandamus declaring non-consideration of Petitioner"s claim for promotion to the post of Deputy Superintendent of Police by the DPC held on 18.8.2001, as arbitrary and illegal in view of Petitioner"s exoneration in all minor penalty proceedings on or before 15.1.2001.

B. To issue a writ, order or direction in the nature of mandamus declaring the Petitioner as entitled to be considered for promotion to the post of Deputy Superintendent of Police in the DPC held on 18.8.2001 in view of the

communication dated 7.2.2001 issued by Senior Superintendent of Police, Dehradun to Respondent No. 5 and also in view of Petitioner's subsequent confirmation from due date i.e. 1.12.1998.

C. To issue a writ, order or direction in the nature of mandamus commanding the Respondent No. 1/Respondent No. 3 to promote the Petitioner to the post of Deputy Superintendent of Police from due date i.e. 2.9.2001 when junior persons were promoted, in view of Petitioner's better merit with reference to his ACR ratings as compared to other persons who were promoted.

D. To issue a writ, order or direction in the nature of mandamus commanding the Respondent No. 1 to grant all consequential benefits to the Petitioner including Senior Scale and promotion to the post of Additional Superintendent of Police from the date these benefits were granted to Respondent No. 6, who is junior to the Petitioner.

E. To issue a writ, order or direction in the nature of certiorari for quashing the order dated 28.10.2005 passed by the Respondent No. 3 (Annexure No. 10 to the writ petition) on Petitioner's representation dated 2.6.2003.

F. To issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

G. Award the cost of the writ petition in favour of the Petitioner.

3. The basic grievance of the Petitioner is that he should be promoted as the Deputy Superintendent of Police w.e.f. 2001 and that his non-promotion was arbitrary and illegal.

4. Having heard the learned Counsel for the Petitioner, we find that the Petitioner was transferred in Uttarakhand in the year 2004 and took no steps to pursue his remedy before the appropriate forum, either before the Public Services Tribunal or in a writ jurisdiction. Keeping the writ petition pending before the Lucknow Bench would not serve any purpose, nor would it enlarge the limitation of approaching the appropriate forum for the redressal of his grievances. This Court is of the opinion that the relief sought is wholly belated and that no plausible explanation for condoning the delay has been made. Consequently, we are of the opinion that the writ petition is liable to be dismissed on the ground of laches and is dismissed as such.