
(2023) 03 UK CK 0058

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 105 Of 2023

Umesh Chand

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 22-03-2023

Acts Referred:

Uttarakhand Annual Transfer For Public Servants Act, 2017 — Section 3(h), 7(d)

Citation : (2023) 03 UK CK 0058

Hon'ble Judges : Vipin Sanghi, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Amar Murti Shukla, Vikas Pande

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1. The petitioner has preferred the present writ petition to assail the order dated 18.01.2023, insofar as it relates to the so called transfer of the petitioner from the office of the Assistant Regional Transport Officer, Rookee, District Haridwar, to the office of the Assistant Regional Transport Officer, Kashipur, District Udham Singh Nagar.

2. The petitioner was promoted by the impugned order to the post of Senior Administrative Officer from the post of Administrative Officer. While making the said promotion, the place of posting of the petitioner was changed from the office of the Assistant Regional Transport Officer, Rookee, District Haridwar to the office of the Assistant Regional Transport Officer, Kashipur, District Udham Singh Nagar.

3. The challenge to the order dated 18.01.2023-whereby the petitioner and two others were promoted, is to the extent that the petitioner has been posted, upon promotion, at the office of the Assistant Regional Transport Officer, Kashipur, District Udham Singh Nagar.

4. Learned counsel for the petitioner submits that the said posting is contrary to

Section 7(d) of the Uttarakhand Annual Transfer for Public Servants Act, 2017 on the ground that the petitioner is a Senior Employee, as defined under Section 3(h) of the aforesaid Act, since the petitioner is 57 years old. He claims that the petitioner is entitled to be not posted without his concurrence.

5. We do not find any merit in the aforesaid submission of the petitioner. The order under challenge is an order of promotion, and, consequent upon promotion, the petitioner stands posted, as aforesaid, at Kashipur. It is not a simplicitor transfer from one location to another in the same cadre. Therefore, Section 7(d) of the aforesaid Act is not attracted.

6. The submission that others have been retained, upon promotion, at the same location is, neither here nor there, as it does not create any vested right upon the petitioner in that regard. It is for the respondents to assess the needs of administration, and on that basis make transfers and postings, of course, in accordance with the provisions of the Uttarakhand Annual Transfer for Public Servants Act, 2017.

7. We do not find any merit in this writ petition, and the same is accordingly dismissed.

8. Pending application, if any, also stands disposed of.