
(2010) 10 UK CK 0067

In the Uttarakhand High Court

Case No : Writ Petition No. 938 of 2010 (S/S)

Vijay Pal Singh Negi

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 28-10-2010

Acts Referred:

Citation : (2010) 10 UK CK 0067

Hon'ble Judges : V.K. Bist, J

Bench : Single Bench

Judgement

V.K. Bist, J.—On 8th October, 2010, time was granted to the Additional Chief Standing Counsel for the State to file counter affidavit but no counter affidavit has been filed till date.

2. Petitioner is working as Pariyojna Adhikari in District Soil Test Laboratory, Haldwani. By the impugned order dated 14.09.2010 the petitioner has been transferred from Haldwani to Chhoi, Block Ram Nagar as Chief Agriculture Officer.

3. Learned Counsel for the petitioner submitted that as per Government Order No. 460/XIII/2008-3(8) dated 14th July, 2008 the class II employees, should be appointed either at Block Prabhari but petitioner has been transferred to a post which is a Nyaya Panchayat level post. According to learned Counsel for the petitioner, this cannot be done. Apart from this, the learned Counsel for the petitioner submitted that the petitioner has old mother and he is required to look after her at Haldwani. He also has two daughters who are studying in class 10th and class 12th and except the petitioner there is no one in his family to look after his daughters. She also submitted that the board examination of his daughters will be held in the month of March, 2011 and in case the petitioner is compelled to join at his new place of posting, he as well as his family will suffer badly. Learned Counsel for the petitioner undertakes that petitioner, if permitted to continue at present place of posting, will join at transferred place on 01.04.2011.

4. Learned Brief Holder, on the other hand, submitted that Chhoi is not a far

place. He also submitted that petitioner has almost completed three years at Haldwani and he has rightly been transferred to Chooi, Block Ram Nagar.

5. Heard learned Counsel for the parties.

6. After considering the fact that no another person has been transferred at the place of the petitioner and also after considering the fact that two daughters of the petitioner are studying in class 10th and class 12th and also considering the undertaking given on behalf of petitioner, this Court thinks it proper to direct the respondents to permit the petitioner to work at present place of posting till 31st March, 2011. Petitioner is also directed to join at his transferred place on 01.04.2011.

7. With this observation the writ petition is disposed of.

8. Urgency application No. 3965 of 2010 as well as Interim relief application No. 8624 of accordingly.