

F.No.27/30/2010-SRS
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi
Dated: 11 January, 2011

To

1. The Chief Secretary,
Government of Uttar Pradesh,
Lucknow.
2. The Chief Secretary,
Government of Uttarakhand,
Dehradun.

11 JAN 2011

Sub. :- Compliance of direction dated 02-02-2010 of the Uttarakhand High Court at Nainital in Writ Petition No.16/2010 – Decision on the representation of Shri Gyan Singh, Irrigation Department - regarding.

Sir,

I am directed to refer to the order dated 02-02-2010 of the Hon'ble Uttarakhand High Court at Nainital vide which the Hon'ble Court has directed Government of India / State Advisory Committee to consider the representation of Shri Gyan Singh for mutual transfer with Shri Sayeed Jamal Rashidi and to say that accordingly the Committee headed by Joint Secretary (SR) considered his representation in its meeting held on 01-12-2001. It was brought to the notice of the Committee that subsequent to receipt of the mutual transfer applications of Shri Gyan Singh and Shri Jamal Rashidi, another request was received from Shri Rashidi for allocation to U.P. as he was retiring shortly. The final allocation of Shri Rashidi was therefore, revised to U.P. on his request under order dated 20-11-2006 as he was to superannuate on 31-05-2007. As such, both Shri Gyan Singh and Shri Jamal Rashidi got allocated to U.P.

2. Mutual transfer is only feasible between two employees if they are allocated to two different States and seek inter-change of their allocation. However, since both of them got allocated to U.P., no mutual transfer was possible.


3. Further, the Hon'ble Uttarakhand High Court in a judgment dated 26-07-2010 in Writ petition No.79/08 – M.C. Joshi and others Vs. State of Uttarakhand and others, has set aside letters dated 15-09-2004 and 08-06-2006 issued by Government of India and consequential guidelines on mutual transfer issued by the successor States of U.P. and Uttarakhand. Therefore, since there exists no mechanism for mutual transfer, the Committee recommended to reject the representations of Shri Gyan Singh.

S. Wajid

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4. The Government of India has accepted the recommendations of the Committee and accordingly the allocation of Shri Gyan Singh remains unchanged and continues to be successor State of U.P. The officials concerned may kindly be apprised of the position.

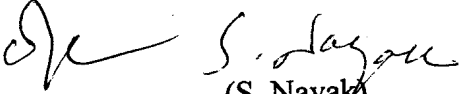
Yours faithfully,


(S. Nayak)

Under Secretary to the Govt. of India

Copy to :-

1. Shri R.M. Srivastava, Principal Secretary, U.P. Reorganisation Coordination Department, Secretariat, Vikas Bhawan, Government of U.P, Lucknow.
2. Shri D.K. Kotia, Principal Secretary (Reorganisation), Government of Uttarakhand, Dehradun.
3. Principal Secretary, Irrigation Department, Government of Uttar Pradesh, Lucknow
4. Principal Secretary, Irrigation Department, Government of Uttarakhand, Dehradun
5. Shri Gyan Singh, Superintending Engineer (Civil), Provincial Engineers' Training Institute, Kalagad, Pauri Garhwal.


(S. Nayak)

Under Secretary to the Govt. of India

11 JAN 2011

