

Spent Post

F.No.27/1/2006-SRS
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi
Dated: 14 May, 2013

To

The Chief Secretary,
Govt. of Uttar Pradesh,
Secretariat, Lucknow,

14 MAY 2013

The Chief Secretary,
Govt. of Uttarakhand,
Secretariat, Dehradun,

Sub.: Implementation of judgement dated 17.04.2013 pronounced by Hon'ble Supreme Court in SLPs No.5355-5359/2012 – Union of India Vs. Deepak Kumar Yadav & Ors.

Sir,

I am directed to refer to the judgement dt. 17.04.2013 of Hon'ble Supreme Court disposing of SLPs No.5355-5359/2012 – Union of India Vs. Deepak Kumar Yadav & Ors. and to say that it has been decided to implement the judgement. A copy of the judgement is enclosed. The operative portion of the judgement is as under :-

“We, therefore, do not find any good grounds to interfere with the orders impugned in these appeals. We, however, direct the appellants to consider the option exercised by the writ petitioners for the post which was already allocated to the State of Uttarakhand and pass orders. But while passing such Orders, we make it clear that their options cannot be turned down on the ground that no post was available.”

2. The Hon'ble Supreme Court has pronounced the aforesaid judgement in the SLPs which were filed by Union of India challenging judgements of Hon'ble Uttarakhand High Court, dated 23.03.2011 in Writ Petition No.176/2008, dated 10.05.2011 in Writ Petitions No.255/2008 and 244/2008, dated 19.05.2011 in Writ Petition No.34/2008 and dated 28.06.2011 in Writ Petition No.44/2011. The Writ Petitions were filed by nine Assistant Engineers challenging their non-allocation to Uttarakhand as per allocation order dated 31.07.2008, which were allowed by the Hon'ble Uttarakhand High Court.

—24—

Mona Singh

3. It may be pointed out here that all the Assistant Engineers i.e., S/Sh. Satyendra Sharma, Deepak Kumar Yadav, Khagendra Prasad Upreti, Ashok Kumar, Narendra Pal Singh, Sharad Kumar, Rajendra Goel, Pramod Kumar, all AEs (Civil) except Sh. Pramod Kumar, AE (Elect./Mech.), Petitioners in the WPs, were earlier allocated to Uttarakhand as per their options, through allocation order dt. 11.05.2006. Later, due to certain developments, the order was to be rescinded and a revised allocation order dt. 31.07.2008 was issued. These AEs could not be allocated to Uttarakhand as per the revised order despite their options, as the allocated posts were reduced as per submission made by both the State Govts. Now, in compliance of the order of the Hon'ble Supreme Court the options of the AEs cannot be turned down on the ground that no post was available.

4. Accordingly, all the nine AEs of PWD mentioned in the previous paragraph, who are the Petitioners in the aforesaid Writ Petitions, are hereby reallocated to Uttarakhand, as per their option, in compliance of the judgement dated 17.04.2013 of Hon'ble Supreme Court.

The officials may be apprised of their allocation.

Yours faithfully,

Encl.:- As above.

Mona Singh
(Mona Singh)
Director

Copy to:-

- (1) Principle Secretary, PWD, Govt. of UP, Secretariat, Lucknow.
- (2) Principle Secretary, PWD, Govt. of Uttarakhand, Secretariat, Dehradun.
- (3) Principle Secretary, UP Reorganization & Coordination Department, 46 Bahukhandi Bhawan, Secretariat, Lucknow.
- (4) Secretary, Reorganisation, Govt. of Uttarakhand, Secretariat, Dehradun.
- (5) Shri V.B.S. Negi, Assistant Solicitor General, Uttarakhand High Court, 11, Oak Park, Mallital, Nainital, for bringing this to the notice of Hon'ble Court, for discharge of the contempt petitions.

