

F. No. 27(C)/3/2011-SRS
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

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

19 AUG 2013

To

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

Sub.- Judgment dated 01.07.2013 of Uttarakhand High Court in review application No. 325 of 2013 in W.P. No. 1694 of 2005- Pushpa Devi vs. State of Uttaranchal & ors.

Sir,

I am directed to refer to the joint representation dated January, 2011 made by Smt. Pushpa Devi and Smt. Gohar Anjum, both Mukhya Sevikas, seeking interchange of their respective allocated states of Uttarakhand and Uttar Pradesh, in terms of mutual transfer guidelines, in pursuance of judgment dated 15.12.2010 of Hon'ble Uttarakhand High Court in Writ Petition No. 1694 of 2005 vide which the Hon'ble Court had directed the Central Govt. to dispose of their joint representation.

2. While examining the joint representations mentioned above, it came to the notice of the Central Government that a Bench of Hon'ble Uttarakhand High Court in judgment dated 26.07.2010 in Writ Petition No. 79/2008- M.C. Joshi & others versus State of Uttarakhand and others, had already set aside the mutual transfer policy and the connected guidelines. It was, therefore, felt that in the absence of the mutual transfer guidelines, the representation for mutual transfer could not be considered. It was, therefore, decided to bring the position to the notice of the Hon'ble High Court through a review petition for proper appraisal and reconsideration of the orders. Consequently, review petition No. 325/2013 was filed. The Hon'ble Uttarakhand High Court in judgment dated 01.7.2013 has now dismissed the review petition, the operative persons of which is as under :-

“By the review application, review applicant is contending the policy which was directed to be followed by the order under review, had already been struck down by the Court. If that be so, then, while complying with the directions contained in the order to

S. S. Gupta

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review, it shall be open to the review applicant to state so. There is no scope of filing the review applicant.”

3. The joint representation dated January, 2011, received from Smt. Seema Yadav & Smt. Aruna Choudhary, both Mukhya Sevika in pursuance of the judgment dated 15.12.2010 of Hon'ble Uttarakhand High Court, has been considered by the Central Government in the light of the order dt. 01.07.2013 in the review petition. The applicants have sought mutual transfer for interchange of their respective allocated states of Uttarakhand and U.P. Since the mutual transfer policy as well as the related guidelines are no longer in existence in view of judgment dated 26.07.2010 of Hon'ble Uttarakhand High Court in Writ Petition No. 79/2008 – M.C. Joshi and others, the requests made by the petitioners cannot be accepted.
4. The officials may please be apprised of the decision.

Yours faithfully,

S. Nayak
(S. Nayak)

g Under Secretary to the Govt. of India

Copy to :

- i) Principal Secretary, Uttar Pradesh Reorganisation Coordination Department, 46 Bahukhandi Bhawan, Secretariat, Lucknow.
- ii) Secretary, Re-organization, Government of Uttarakhand, Secretariat, Dehradun.
- iii) Director, Integrated Child Development Scheme, Government of Uttarakhand, Dehradun.
- iv) Director, Child Development Services & Nutrition, Government of Uttar Pradesh, Lucknow.
- v) The Officials through their controlling offices.

