

Writ Petition no. 132 (S/B) of 2003.

S.N.Tripathi - Petitioner.
Versus
State of Uttaranchal & others - Respondents

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Hon. Irshad Hussain, J.
Hon. M.M.Ghildiyal, J.

The petitioner is a junior engineer in Jal Nigam. The Board of the Jal Nigama took a policy decision for creating a Hill sub cadre in the year 1993 and to enforce the said decision, circular was issued on 04.06.1994, inviting options of the candidates willing to be absorbed in the Hill sub cadre. The last date given for option was 04.07.1994. The petitioner applied for absorption in Hill sub cadre in the year 1996. The case of the petitioner was not considered on the ground that the option was not exercised by the cut off date.

Learned counsel for the petitioner submits that Board has framed Regulations known as Uttar Pradesh Jal Nigam Hill Sub Cadre Regulations, 1988. After the enforcement of the said Regulations, again options were invited vide Circular dated 20.01.1999. He further submitted that his option exercised in the year 1996 could not be accepted after the enforcement of Regulations of 1998.

The learned counsel for the Jail Nigam submits that since the Circular dated 20.01.1999, which was issued after enforcement of Regulation 1998,

had been stayed by the High Court of Uttar Pradesh at Lucknow, no further step could be taken by the Jal Nigam.

As we have seen from the facts narrated above, the petitioner had exercised his option prior to the enforcement of Hill Sub Cadre Regulations, 1988 and his option could have been proceeded with as it was not to be treated in pursuance of the Circular issued on 20.01.1999 which had been stayed by the High Court. In view thereof the Jal Nigam is directed to consider the case of the petitioner treating the petitioner as absorbed in Jal Nigam and to accord him Hill cadre giving him all the consequential benefits. thereof.

The writ petition is accordingly allowed.

(M.M. Ghildiyal, J.)

(Irshad Hussain, J.)

06.03.2003./B.

WPSB No. 132 of 2003

Hon'ble M.M. Ghildiyal, J

Hon'ble J.C.S. Rawat, J

Review Application No. 2052/2004

Heard.

By means of this application, learned counsel for the review applicant prays for review of the order dated 06.03.2003 and recall the same.

Order dated 06.03.2003 was passed by Hon'ble Mr. Justice Irshad Hussain and Hon'ble Mr. Justice M.M. Ghildiyal This bench has been nominated by Hon'ble the Chief Justice.

Sri D.S. Patni, learned counsel for the review applicant has submitted that review application has become infructuous.

Review application is dismissed as infructuous.

(J.C. S. R., J.)

(M.M.G., J)

27.09.2006

S.K.S.

