

Rajiv Kumar Mehta And Others Vs Arun Kumar Dubey And Others

Court: Uttarakhand High Court

Date of Decision: Sept. 2, 2019

Acts Referred: Constitution Of India, 1950 – Article 133, 134A

Hon'ble Judges: Ramesh Ranganathan, CJ; Alok Kumar Verma, J

Bench: Division Bench

Advocate: M.C. Pant, D.S. Mehta, Pankaj Miglani, Rakesh Thapliyal

Final Decision: Dismissed

Judgement

Ramesh Ranganathan, CJ

1. This application is filed seeking leave to appeal against the order passed by the learned Single Judge in WPSS No. 3679 of 2017 dated 09.07.2019.

The applicants, seeking leave to appeal, were not parties to the aforesaid writ petition wherein the respondent herein had challenged, among others, his

reversion from the post of Accountant to the post of the Hindi Translator pursuant to the order impugned therein dated 07.07.2015. The said order

dated 07.07.2015 was passed pursuant to the order passed by a learned Single Judge of this Court in WPSS No.1580 of 2011 dated 26.05.2015, to

which the respondent-writ petitioner herein was not a party.

2. On his subjecting the order dated 07.07.2015 to challenge, the learned Single Judge has, by his order in WPSS No. 3679 of 2017 dated 09.07.2019,

set aside the said order. Aggrieved thereby the appellant-institute (respondent Nos. 1 to 3 in the writ petition) had preferred SPA No. 826 of 2019; and

we had, by our order passed in the forenoon today, dismissed the said Special Appeal.

3. The appellants herein were promoted to higher posts consequent upon the reversion of the respondent-writ petitioner, from the post of Accountant

to Hindi Translator, by proceedings dated 07.07.2015. As we have noted, in the order passed by us in SPA No. 826 of 2019 dated 02.09.2019, the said

order 07.07.2015 reverted the petitioner from the post of Accountant to that of Hindi Translator, though he had been promoted as an Accountant on

22.09.1999 more than fifteen years prior thereto. The appellants herein were promoted to higher posts only pursuant to the order, impugned in WPSS

No.3679 of 2017 dated 07.07.2015. As the respondent-writ petitioner herein had successfully challenged the order of reversion dated 07.07.2015 in

WPSS No.3679 of 2017, the applicants, who were promoted to higher posts, after the said order dated 07.07.2015 was passed, cannot claim to be

aggrieved by the order of the learned Single Judge, setting aside the impugned order dated 07.07.2015, as the said order related to the reversion of

respondent-writ petitioner from the post of Accountant to the post of Hindi Translator. While the appellants in Special Appeal No. 826 of 2019 (i.e. the

Wildlife Institute of India) can claim to be aggrieved, by the order passed by the learned Single Judge in Writ Petition (S/S) No. 3679 of 2017 dated

09.07.2019, since the order passed by them on 07.07.2015 was set aside by the learned Single Judge, the appellants herein have no connection

whatsoever with the orders impugned in Writ Petition (S/S) No. 3679 of 2017. Their grievance is that their promotion to higher posts, which the

respondent-writ petitioner may have been entitled to but for the order dated 07.07.2015 reverting him to a lower post, may be affected on the order, of

reversion of the respondent-writ petitioner, being set aside by the learned Single Judge by his order in Writ Petition (S/S) No. 3679 of 2017 dated

09.07.2019. The mere fact that the applicant-appellants were benefitted as a consequence of the illegal order dated 07.07.2015 would not confer any

right on them to question the said order, to which they were not parties.

4. We see no reason, therefore, to grant the applicant herein leave to prefer an appeal against the order passed by the learned Single Judge in WPSS

No.3679 of 2017 dated 09.07.2019. The application seeking leave is, therefore, dismissed. Consequently the appeal, preferred by the appellant-

applicant, stands rejected. No costs.

5. An oral application is made, on behalf of the appellants, for grant of a certificate, under Article 134-A of the Constitution, to prefer an appeal to the

Supreme Court. Such a certificate would be issued only if the High Court is satisfied, in terms of Article 133 of the Constitution, that the case involved

a substantial question of law of general importance, and such a question needed to be decided by the Supreme Court. The application seeking leave

has been rejected on the ground that the applicants-appellants are not entitled to be granted leave to appeal, against the order passed by the learned

Single Judge in Writ Petition (S/S) No. 3679 of 2017 dated 09.07.2019, as they cannot be said to be aggrieved by the order under appeal, wherein the

validity of the reversion of the respondent-writ petitioner from the post of Accountant to that of Hindi Translator, by proceedings dated 07.07.2015,

was under challenge, among other grounds, that the said order dated 07.07.2015 was passed more than 15 years after the respondent-writ petitioner

was promoted as an Accountant on 22.09.1999. The present case can neither be said to involve a substantial question of law of general importance

nor can it be said that the question raised before us needs to be decided by the Supreme Court. The oral application, seeking leave, is therefore

rejected.