

Jagdish Prasad Bhatt Vs State Of Uttarakhand & Others

Court: Uttarakhand High Court

Date of Decision: Nov. 18, 2021

Acts Referred: Constitution Of India, 1950 " Article 226

Hon'ble Judges: Manoj Kumar Tiwari, J

Bench: Single Bench

Advocate: Bhuwan Bhatt, Vinod Nautiyal

Final Decision: Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Heard learned counsel for the parties.

2. By means of this writ petition, petitioner has sought the following relief:

I. Issue a writ, order or direction in the nature of mandamus commanding to respondent authorities to conduct inquiry regarding the allegations

levelled by the petitioner pursuant to the complaint dated 04.01.2020 (Annexure no. 13).

II. Issue a writ order or direction in the nature of mandamus commanding to the respondent no.2 to decide the complaint dated 04.01.2020 with

stipulated time bound period. (Annexure no.13)

III. Issue a suitable writ, order of direction in favour of petitioner and against the respondents which this Hon'ble Court may deem fit and proper in

the facts and circumstances of the present case.

3. Petitioner is a Government Servant, who is serving as Assistant Accounts Officer in Audit and Accounts Department of Uttarakhand State. He is

presently posted in Fisheries Department. According to him, he made a complaint on 04.01.2020 to number of State authorities, wherein he has

requested to take action on his earlier complaint dated 16.12.2019 and to lodge F.I.R. against three officers of State Secretariat, namely, Shri

Chauhan, Shri Rawat and Shri Mishra under relevant sections of Code of Criminal Procedure. The persons, against whom petitioner wants F.I.R to be

registered, are not party in this writ petition.

4. Grudge of the petitioner is that these three officers were instrumental in getting him transferred from Department of Medical Health in the year

2018, due to which, petitioner's interests were prejudiced.

5. The reliefs, as claimed in the writ petition cannot be granted. If petitioner wants an F.I.R to be lodged against any individual/officer, then he has a

remedy under Code of Criminal Procedure. This Court while exercising extraordinary powers under Article 226 of the Constitution will not entertain

private disputes between two individuals.

6. Accordingly, the writ petition fails and is dismissed.