

(2006) 01 AHC CK 0085

Allahabad High Court

Case No: Civil Miscellaneous Writ No. 2377 of 2006

Pradeep Kumar Mathur

APPELLANT

Vs

The U.P. State Tourism
Development Corporation Ltd.
and The Managing Director, The
U.P. State Tourism Development
Corporation Ltd.

RESPONDENT

Date of Decision: Jan. 13, 2006

Citation: (2006) 5 AWC 4990 : (2006) 2 UPLBEC 1311

Hon'ble Judges: Rakesh Tiwari, J

Bench: Single Bench

Advocate: B.P. Srivastava, for the Appellant; Anurag Khanna and G.K. Singh, for the Respondent

Final Decision: Dismissed

Judgement

Rakesh Tiwari, J.

The petitioner was appointed as Junior Accountant in the U.P. State Tourism Development Corporation Ltd., (for short "Corporation") on 3rd May, 1983 and was posted Hotel Taj Khema in Agra. He was promoted and confirmed as Senior Accountant vide order dated 25.10.2000.

2. The Managing Director of the Corporation directed the petitioner vide order dated 25.1.2001 to also look after the management work of Hindal Motel at Ghaziabad in addition to his own duties and responsibilities of the post of Senior Accountant. The order is as under:-

Sankhaya E-2181/Karmik-3/2001 Lucknow dated Jan. 25, 2001

Karvalayu Adesh

Etaddwara Tatkalik Prabhav Se Sri Pradeep Kumar Mathur, Varishtha Lekhakar Apne Purva Avantit Karyo Ke Sath-Sath Hindal Motel Ghaziabad Ka Samastha Prabandhakiya Karya Prabhari, Ke Roop Mein Dekhenge.

Ho Apathaniya

(Bhupendra Singh)

Prabandha Nideshak

3. The petitioner was thereafter looking after the work of management in other tourist bungalow in addition to his own work as Senior Accountant.

4. In the interest of the Corporation and on administrative ground, the petitioner ha> been directed to report for work at the headquarters of the Corporation without awaiting reliever-vide order dated 23.12.2005. The petitioner, in pursuance of the aforesaid order, has joined at the headquarters on 6.1.2006.

5. The petitioner has come up in this writ petition challenging the impugned order dated 23.12.2005 on the ground that he has been reverted to the post of Senior Accountant without any notice or opportunity.

6. It is urged by Sri B.P. Srivastava, senior counsel for the petitioner that in all the letters issued to the petitioner after issuance of letter dated 25.1.2001 by which he was given additional charge of Manager, the petitioner has been referred to as Manager not as Senior Accountant, which goes to show that the petitioner was promoted to the post of Manager.

7. This argument of Sri Srivastava is wholly fallacious. There is nothing on record to show that the petitioner was ever promoted as Manager. Sri G.K. Singh, holding brief of Sri Anurag Khanna, counsel for the respondents submits that there is no channel of promotion of Senior Accountant to the post of Manager; that the petitioner had never been promoted as Manager and was only looking after the work of management as is evident from the letter dated 25.1.2001 as a local arrangement.

8. After hearing counsel for the parties, at length, and perusal of record, I am of the view that the petitioner has failed to establish that he what ever appointed/promoted as Manager and as such, there is no question of any reversion of the petitioner as all along he has been holding the post of substantive Senior Accountant in the respondent-Corporation. Merely because the petitioner has been referred to, as Manager in certain letters by virtue of work he has been performing, will not, ipso facto make him Manager. He has also joined at the headquarters on the post of Senior Accountant in pursuance of order dated 23.12.2005. By the compliance, the order has been exhausted.

9. For the reasons stated above, the petition fails and is dismissed. No order as to costs.