

ITEM NO.9 Court 9 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 7429/2021

(Arising out of impugned final judgment and order dated 15-03-2021 in SA No. 92/2021 passed by the High Court Of Uttarakhand At Nainital)

DINESH CHANDRA JAKHMOLA Petitioner(s)

VERSUS

UTTARAKHAND SCHEDULE TRIBE COMMISSION & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.66465/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.66463/2021-EXEMPTION FROM FILING O.T. and IA No.66466/2021-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 30-06-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Olivia Bang, Adv.
Ms. Carolin Kasar, Adv.
Mr. Satya Mitra, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The main grievance of the petitioner, as projected by Mr. Colin Gonsalves, Sr. Advocate, is that the transfer of the petitioner was punitive in nature, as it was based upon a damning report of the Uttarakhand Scheduled Tribes Commission. The findings recorded by the Uttarakhand Scheduled Tribes Commission were completely contrary to the investigation report dated

15.03.2019 and hence it is contended that the High Court ought not to have dismissed the writ petition.

But we find that the order of transfer is dated 26.12.2019 and it does not make any reference to the report of the Uttarakhand Scheduled Tribes Commission. Therefore we do not wish to interfere with the impugned order of the High Court.

The main apprehension of the petitioner is that once the order of transfer passed on the strength of the Report of the Uttarakhand Scheduled Tribes Commission is upheld, the same may have an adverse effect upon the petitioner's career prospects.

However, we find that the above apprehension of the petitioner is addressed by the High Court in paragraph 5 of the impugned judgment which reads as follows:

"On the other hand, Mr. D.S. Patni, the learned senior counsel for the respondent-Bank, gives an undertaking that the commission's report will not adversely affect the service career of the appellant-writ petitioner, both while he is in service, and even thereafter. According to him, the Commission's report is a dead letter by now. Therefore, the anxiety expressed by the learned counsel for the appellant-writ petitioner is highly misplaced."

Therefore the apprehension of the petitioner may not be wholly correct. However, we make it clear that as per the impugned order of the High Court, none of the findings recorded by the Scheduled Tribes Commission shall have any adverse effect upon the career prospects or the ACRs of the petitioner. In so far as the petitioner's prayer for re-transfer or a transfer to any other place is concerned, it will be open to him to make a representation to the management. The special leave petition is dismissed with

the above observation.

Pending applications, if any, shall also stand disposed of.

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
COURT MASTER (NSH)