

Shiv Narain Tripathi Vs. Secretary, Minor Irrigation and Reral Engineering Secvices, U.P. and Others

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Court : Allahabad

Decided On : Mar-27-2000

Reported in : 2000(2)AWC1663

Judge : M. Katju and ;D.R. Chaudhary JJ.

Appeal No. : C.W.M.P. No. 9419 of 2000

Appellant : Shiv Narain Tripathi

Respondent : Secretary, Minor Irrigation and Reral Engineering Secvices, U.P. and Others

Advocate for Def. : S.N. Srivastava, ;S.C.

Advocate for Pet/Ap. : A.K. Srivastava, Adv.

Judgement :

M. Katju and D. R. Chaudhary, JJ.

1. By means of this petition the petitioner is challenging the impugned order dated 9.2.2000 Annexure-1, to the writ petition by which the drawing and disbursing powers of the petitioner as an Executive Engineer in Minor Irrigation Department. Mirzapur has been taken away from him and given to one Sri D. B. Singh.

Executive Engineer of Allahabad Division.

2. The petitioner had earlier filed several writ petitions. He filed Writ Petition No. 24975 of 1999 against the transfer order dated 1.6.1999 which was stayed by this Court on 16.6.1999. In that case, counter-affidavit along with stayvacation application has been filed and the petition is still pending. The petitioner was thereafter suspended by order dated 9.6.1999 but he filed Writ Petition No. 24765 of 1999 which was stayed by this Court on 15.6.1999. In that case also, counter-affidavit along with stay vacation application has been filed and the petition is pending. Thereafter the petitioner filed writ petition No. 29472 of 1999 against the order dated 6.7.1999 withdrawing financial and administrative powers and in that petition this Court granted stay order dated 20.7.1999. In that case, also counter-affidavit and stay vacation application has been filed and the petition is pending. Thereafter the petitioner challenged the order dated 3.8.1999 withdrawing the financial and administrative powers by means of Writ Petition No. 33857 of 1999 and the order was stayed by this Court on 24.8.1999. In that case also, counter-affidavit and stay vacation application has been filed and the petition is pending. The petitioner was then suspended on 4.12.1999 against which he filed Writ Petition No. 53857 of 1999 and a stay order dated 21.12.1999 was passed by this Court. Stay vacation application with counter-affidavit has been filed and the petition is pending. Thereafter an order dated 30.12.1999 was passed withdrawing financial and administrative powers of the petitioner which was challenged in Writ Petition No. 1027 of 2000 and the order was stayed on 7.1.2000 by this Court. Counter-affidavit and stay vacation application has also been filed in that case and the petition is still pending. Lastly this petition has been filed in this Court.

3. We have heard learned counsel for the parties and have perused the counter and rejoinder-affidavits.

4. Since highly disputed questions of fact and law are involved in this case, we are of the opinion that against the impugned order dated 9.2.2000 the petitioner should make a representation to the Chief Secretary, U. P. Government and the Chief Secretary should dispose of therepresentation of the petitioner either himself or nominate some officer not below the rank of Secretary to the U. P. Government

preferably within six weeks of production of a certified copy of this order. In this representation the petitioner can take all such legal and factual pleas as he wishes which shall be considered by the Chief Secretary or his nominee as the case may be.

5. The Chief Secretary or his nominee shall decide the representation with an independent mind without being influenced by any political authority or person by a speaking order.

6. With this observation the petition is finally disposed of.

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