



2025:UHC:6059-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR
AND
HON'BLE SRI JUSTICE ALOK MAHRA

14TH JULY, 2025

WRIT PETITION (S/B) No. 201 OF 2025

Kamlesh Kumar Yadav

.....Petitioner

Versus

State of Uttarakhand and others.

...Respondents

Counsel for the petitioner. : Ms. Jasmeet Kaur, learned counsel.

Counsel for the respondents. : Mr. S.S. Chaudhary, learned Standing
Counsel for the State.

JUDGMENT : (per Sri G. Narendar, C.J.)

Heard learned counsel for the petitioner and learned
Government Counsel.

2. Petitioner has sought for the following prayers:

“i. Issue a writ, order or direction in the nature of certiorari declaring the ultra vires Part III (RECRUITMENT) Rule 5(4)(1) & (2) of Uttarakhand Land and Record Operation Service Rule, 2017 which is arbitrary and contrary to the Part III (RECRUITMENT) Rule 5(1)(1)&(2) of Irrigation Rules 2003.

ii. Issue a writ, order or direction in the nature of mandamus directing the respondents for fixing the pay scale of Rs. 9300-34800 Grade Pay Rs. 4200/- as per 7th Pay Commission for Metrix Level-6



(35400-1,12,400) and Grade Pay of petitioner no. 2, 3 and 4 Rs. 5200-20200 Grade Pay RS. 2800/- as per 7th Pay Commission pay Metrix Level 5 (29200-92300) since 24.06.2010.

iii. Issue a writ, order or direction in the nature of mandamus directing the respondents to start the promotion proceedings the Tracer post holder on the post of Draftsman ignoring the hinder put by respondents in strength of Rule 5(4) of the Uttarakhand working employees in the Surveyor Land and Records Procedures Service Rules, 2017.

iv. Issue any other or further writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

v. To award the cost of the petition in favor of the petitioner."

2. It is no more *res integra* that the prerogative of creating post(s) or abolishing post(s) rests exclusively with the employer and is in the exclusive domain of the employer.

3. Be that as it may, the complaint of the petitioner is that the scope for promotions is very very limited and the employees in the post of Tracer have a very remote possibility of occupying promotional post.

4. In view of the above, we are of the opinion that the instant writ petition can be disposed of by directing



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respondent Nos. 1 and 2 to consider the instant writ petition as a representation and dispose of the same by a speaking order within an outer limit of six months.

5. The writ petition stands ordered accordingly.
6. There shall be no order as to costs.
7. Pending application, if any, also stands rejected.

G. NARENDAR, C.J.

ALOK MAHRA, J.

Dt: 14th July, 2025
Rathour

PRAVIND
RA SINGH
RATHOUR