



2026:UHC:2042-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WRIT PETITION (S/B) NO. 138 OF 2026

23RD MARCH, 2026

Arun Mohan Joshi Petitioner

Versus

Union of India and others Respondents

Counsel for the petitioner : Mr. Sidharth Luthra and Mr. U.K. Uniyal, learned Senior Counsel (through VC) assisted by Mr. Vipul Sharma and Ms. Khushboo Tiwari and Mr. Maneesh Bisht, learned counsel

Counsel for the respondents : Mr. Pankaj Chaturvedi and Mr. Manoj Kumar, learned Standing Counsel for the Union of India / respondent Nos. 1, 2 and 5

: Mr. Natraj K.M., learned Additional Solicitor General (through VC) assisted by Mr. S.N. Babulkar, learned Advocate General, Mr. Amrendra Pratap Singh, learned Additional Advocate General, Mr. Puran Singh Bisht, learned Chief Standing Counsel, Mr. B.S. Parihar, learned Additional Chief Standing Counsel and Mr. Gajendra Tripathi, learned Standing Counsel for State / respondent Nos. 3 and 4

The Court made the following:

JUDGMENT: (per Sri Manoj Kumar Gupta, C.J.)

1) Heard.



2) The present writ petition has been filed with the following prayers :

- “(a) Issue a writ, order or direction in the nature of certiorari quashing the order dated 5th March, 2026 issued by respondent No. 1 (ANNEXURE No. 10).
- (b) Issue a writ, order or direction in the nature of certiorari quashing the order dated 6th March, 2026 by means of which petitioner was relieved by the State of Uttarakhand (ANNEXURE No. 11).
- (c) Issue a writ, order or direction in the nature of certiorari quashing the order dated 6th March, 2026 issued by the Office of the Director General of Police (ANNEXURE No. 13).”

3) At the outset learned Senior Counsel Mr. Natraj K.M., appearing along with Mr. S.N. Babulkar, learned Advocate General, Mr. Amrendra Pratap Singh, learned Additional Advocate General and Mr. Puran Singh Bisht, learned Chief Standing Counsel raised a preliminary objection to the maintainability of the writ petition before this Court. It is submitted that the petitioner is from Indian Police Service which is a Central Service and, therefore, in view of Constitution Bench judgment in **L. Chandra Kumar Vs Union of India, (1997) 3 SCC 261**, the petitioner has alternative and efficacious remedy of challenging the orders before the Central Administrative



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Tribunal in the first instance. Specific reliance has been placed on paragraph 93 of the said judgment.

4) Mr. Sidharth Luthra, learned Senior Counsel appearing for the petitioner though has made submissions at quite some length on different dates, finally states that the petitioner would avail the remedy before the Central Administrative Tribunal and, therefore, he prays for withdrawal of the writ petition with liberty to approach the Central Administrative Tribunal.

5) Accordingly, the writ petition is disposed of as withdrawn with liberty in terms of the prayer made. All pleas and contentions are left open for being raised before the Tribunal.

6) Pending application(s), if any, also stand disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 23RD MARCH, 2026
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