



सत्यमेव जयते

# UTTARAKHAND COURT NEWS

(A Quarterly News letter)

Vol-VI Issue No-4 (October to December, 2015)



## High Court of Uttarakhand, Nainital

### EDITORIAL BOARD

Hon'ble Mr. Justice Sudhanshu Dhulia  
Hon'ble Mr. Justice U. C. Dhyani

### COMPILED BY

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Summit at Night

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**UTTARAKHAND HIGH COURT**

**LIST OF JUDGES (As on 1<sup>st</sup> October, 2015)**

<b>SL. No.</b>	<b>Name of the Hon'ble Judge</b>	<b>Date of Appointment</b>
1.	Hon'ble Mr. Justice K.M. Joseph	31.07.2014 (Chief Justice)
2.	Hon'ble Mr. Justice V.K. Bist	01.11.2008
3.	Hon'ble Mr. Justice Sudhanshu Dhulia	01.11.2008
4.	Hon'ble Mr. Justice Alok Singh	26.02.2013
5.	Hon'ble Mr. Justice Servesh Kumar Gupta	21.04.2011
6.	Hon'ble Mr. Justice Umesh Chandra Dhyani	13.09.2011

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**TRANSFERS, PROMOTIONS & APPOINTMENTS OF JUDICIAL OFFICERS**

SL.NO.	Name of the Judicial Officer	Place of Posting	Date of Order
1.	Sri Rakesh Kumar Singh Civil Judge(S.D.) Bageshwar.	Chief Judicial Magistrate Bageshwar	05-11-2015
2.	Mr Chandramani Rai Chief Judicial Magistrate Bageshwar	Chief Judicial Magistrate Tehri Garhwal	05-11-2015
3.	Smt Geeta Chauhan Chief Judicial Magistrate Tehri Garhwal	Civil Judge (S.D) Tehri Garhwal	05-11-2015
4.	Sri. Ravindra Maithani District & Sessions Judge Almora	Secretary General Supreme Court of India	09-12-2015
5.	Sri Gyanendra Kumar Sharma District & Sessions Judge Bageshwar	District & Sessions Judge Almora	23-12-2015
6.	Sri Bhupendra Singh Dugal District & Sessions Judge Champawat	District & Sessions Judge U.S. Nagar	23-12-2015
7.	Sri Uttam Singh Nabiyal Presiding Officer, Industrial Tribunal cum-Labour Court Haldwani, Nanital	District & Sessions Judge Bageshwar	23-12-2015
8.	Sri Prem Singh Khimal Presiding Officer, Labour Court, Haridwar	District & Sessions Judge Champawat	23-12-2015

**INSTITUTION, DISPOSAL AND PENDENCY OF CASES****➤ HIGH COURT OF UTTARAKHAND (from 01.10.2015 to 31.12.2015)**

						<b>Pendency (As on 01.10.2015)</b>		
						Civil Cases	Criminal Cases	Total Pendency
						18139	8258	26397
<b>Institution (01.10.2015 to 31.12.2015)</b>			<b>Disposal (01.10.2015 to 31.12.2015)</b>			<b>Pendency (As on 31.12.2015)</b>		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.06.15
2305	1648	3953	1884	1786	3670	18560	8120	26680

## ➤ District Courts (From 01.10.2015 to 31.12.2015)

Sl. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 31.12.15
		Opening Balance as on 01.10.15	Institution from 01.10.15 to 31.12.15	Disposal from 01.10.15 to 31.12.15	Pendency at the end of 31.12.15	Opening Balance as on 01.10.15	Institution from 01.10.15 to 31.12.15	Disposal from 01.10.15 to 31.12.15	Pendency at the end of 31.12.15	
1.	Almora	440	134	111	463	774	502	490	786	1249
2.	Bageshwar	77	62	61	78	413	466	442	437	515
3.	Chamoli	259	78	86	251	579	391	375	595	846
4.	Champawat	173	57	79	151	819	848	827	840	991
5.	Dehradun	11076	1998	2110	10964	57783	18739	14110	62412	73376
6.	Haridwar	8692	1061	852	8901	32620	6094	5317	33397	42298
7.	Nainital	2784	425	399	2810	6633	2666	2376	6923	9733
8.	Pauri Garhwal	1019	190	167	1042	2489	923	788	2624	3666
9.	Pithoragarh	356	58	68	346	832	403	451	784	1130
10.	Rudraprayag	152	46	51	147	1681	191	294	1578	1725
11.	Tehri Garhwal	390	91	99	382	1172	846	625	1393	1775
12.	U.S.Nagar	4945	996	923	5018	22429	5117	4297	23249	28267
13.	Uttarkashi	314	107	92	329	724	284	290	718	1047
	Total	30677	5303	5098	30882	128948	37470	30682	135736	166618

➤ **Family Courts (from 01.10.2015 to 31.12.2015)**

Sl. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 31.12.15
		Opening Balance as on 01.10.15	Institution from 01.10.15 to 31.12.15	Disposal from 01.10.15 to 31.12.15	Pendency at the end of 31.12.15	Opening Balance as on 01.10.15	Institution from 01.10.15 to 31.12.15	Disposal from 01.10.15 to 31.12.15	Pendency at the end of 31.12.15	
1.	Dehradun	1514	309	333	1490	916	146	150	912	2402
2.	Rishikesh	135	53	43	145	163	31	24	170	315
3.	Nainital	481	96	106	471	657	99	70	686	1157
4.	Hardwar	606	135	116	625	525	78	76	527	1152
5.	Roorkee	433	103	113	423	507	99	112	494	917
6.	Pauri	230	50	64	216	264	42	44	262	478
7.	Udham Singh Nagar	787	161	181	767	771	88	87	772	1539
	<b>TOTAL</b>	<b>4186</b>	<b>907</b>	<b>956</b>	<b>4137</b>	<b>3803</b>	<b>583</b>	<b>563</b>	<b>3823</b>	<b>7960</b>

**Circular Letters/ Notifications****HIGH COURT OF UTTARAKHAND**  
**NAINITAL****NOTIFICATION****No. 254/UHC/Admin.A/2015****Dated: October 08, 2015.**

On the basis of recommendations of Hon'ble Padmanabhan Pay Commission and in terms of G.O. No. 108/XXXVI(1)/2010-50/2009 dated 21.05.2010 issued by Government of Uttarakhand, the Court has been pleased to grant 1<sup>st</sup> A.C.P. pay scale of 33,090-920-40,450-1,080-45,850 to the following Judicial Officers on completion of their five years of continuous services in Civil Judge (Jr. Div.) Cadre, from the date mentioned against their names:

Sl. No.	Name of the Officer	Designation	Date of completion of 05 years of service	Date of A.C.P.
1.	Sri Vivek Srivastava	ACJM, Roorkee, District Hardwar	12.03.2013	13.03.2013
2.	Sri Sudhir Kumar Singh	1 <sup>st</sup> Addl. Civil Judge (S.D.), Hardwar	26.02.2013	27.02.2013
3.	Sri Uday Pratap Singh	ACJM, Haldwani, District Nainital	07.03.2013	08.03.2013
4.	Smt. Savita Chamoli	ACJM, Kashipur, District U.S. Nagar	23.02.2013	24.02.2013
5.	Sri Manindra Mohan Pandey	Addl. Judge, Family Court, Rishikesh, District Dehradun	27.02.2013	28.02.2013
6.	Sri Dharmendra Kumar Singh	1 <sup>st</sup> Addl. Civil Judge (S.D.), Dehradun	14.05.2013	15.05.2013
7.	Sri Sudhir Tomar	Addl. Civil Judge (S.D.), Roorkee, District Hardwar	11.03.2013	12.03.2013
8.	Sri Man Mohan Singh	Chief Judicial Magistrate, Champawat	24.02.2013	25.02.2013
9.	Sri Madan Ram	2 <sup>nd</sup> Addl. Civil Judge (S.D.), Hardwar	27.02.2013	28.02.2013
10.	Sri Mukesh Chandra Arya	Chief Judicial Magistrate, Rudrapur	26.02.2013	27.02.2013
11.	Smt. Manju Singh Munday	Civil Judge (S.D.), Champawat	24.02.2013	25.02.2013

12.	Sri Ramesh Singh	Civil Judge (S.D.)/Secretary, DLSA, Hardwar	22.02.2013	23.02.2013
13.	Ms. Sangoeta Rani	Civil Judge (S.D.), Rudraprayag	23.02.2013	24.02.2013
14.	Sri Anur Vohra	Chief Judicial Magistrate, Uttarkashi	25.02.2013	26.02.2013
15.	Ms. Anita Gunjyal	2 <sup>nd</sup> Addl. Civil Judge (S.D.), Dehradun	12.03.2013	13.03.2013
16.	Sri Laxman Singh	Civil Judge (S.D.), Vikasnagar, District Dehradun	12.03.2013	13.03.2013
17.	Sri Dhirenda Bhatt	ACJM, Hardwar	23.03.2014	24.03.2014
18.	Sri Rahul Kumar Srivastava	1 <sup>st</sup> Addl. Civil Judge (S.D.), U.S. Nagar	23.03.2014	24.03.2014
19.	Sri Sundeep Kumar	Civil Judge (S.D.), Haldwani, District Nainital	26.03.2014	27.03.2014
20.	Smt. Gunjan Singh	1 <sup>st</sup> ACJM, Dehradun/ Principal Magistrate, Juvenile Justice Board, Dehradun	28.03.2014	29.03.2014
21.	Sri Mohd. Yusuf	3 <sup>rd</sup> Addl. Civil Judge (S.D.), Dehradun	21.03.2014	22.03.2014
22.	Sri Jayendra Singh	4 <sup>th</sup> Addl. Civil Judge (Sr. Div.), Dehradun	23.03.2014	24.03.2014
23.	Sri Bhavdeep Ravtey	Civil Judge (S.D.), Kotdwar, District Pauri Garhwal	21.03.2014	22.03.2014
24.	Sri Yogendra Kumar Sagar	Civil Judge (S.D.)/Secretary, DLSA, Pauri Garhwal	20.03.2014	21.03.2014
25.	Sri Hemant Singh	Joint Registrar (Judl. & Admin.), Public Service Tribunal, Uttarakhand, Dehradun	23.03.2014	24.03.2014
26.	Sri Vinod Kumar Burman	2 <sup>nd</sup> ACJM, Dehradun	21.03.2014	22.03.2014
27.	Smt. Jyotsna	Civil Judge (S.D.)/Secretary, DLSA, Bageshwar	01.07.2014	02.07.2014
28.	Smt. Jyoti Bala	Civil Judge (S.D.)/Secretary, DLSA, Nainital	25.03.2014	26.03.2014

By Order of the Court,

**HIGH COURT OF UTTARAKHAND**  
**NAINITAL**

**NOTIFICATION**

No. 255/UHC/Admin.A/2015

Dated: October 08, 2015.

On the basis of recommendations of Hon'ble Padmanabhan Pay Commission and in terms of G.O. No. 108/XXXVI(1)/2010-50/2009 dated 21.05.2010 issued by Government of Uttarakhand, the Court has been pleased to grant 1<sup>st</sup> A.C.P. pay scale of 43,690-1,080-49,090-1,230-56,470 to the following Judicial Officers on completion of their five years of continuous services in Civil Judge (Sr. Div.) Cadre, from the date mentioned against their names:

Sl. No.	Name of the Officer	Designation	Date of completion of 05 years of service	Date of A.C.P.
1.	Sri Ajay Chaudhary	2 <sup>nd</sup> A.D.J., Hardwar	08.06.2011	09.06.2011
2.	Sri Subir Kumar	Add. Dir., UJALA, Bhowali	08.06.2011	09.06.2011
3.	Ms. Neetu Joshi	Secretary-cum-Registrar, State Level Police Complaint Authority, Uttarakhand, Dehradun	07.06.2011	08.06.2011
4.	Sri Varun Kumar	A.D.J., Almora	22.11.2011	23.11.2011
5.	Sri Sayan Singh	3 <sup>rd</sup> A.D.J., U.S. Nagar	01.03.2013	02.03.2013
6.	Smt. Monika Mittal	Registrar, State Consumer Disputes Redressal Commission, Uttarakhand, Dehradun	01.03.2013	02.03.2013
7.	Smt. Neelam Ratra	F.T.C./ADJ/Spl. Judge POCSO, U.S. Nagar	01.03.2013	02.03.2013
8.	Smt. Anjushree Juyal	F.T.C./ADJ/Spl. Judge POCSO, Hardwar	01.03.2013	02.03.2013
9.	Smt. Pritu Sharma	F.T.C./ADJ/Spl. Judge POCSO, Haldwani, Distt. Nainital	01.03.2013	02.03.2013
10.	Sri Rakesh Kumar Mishra	<b>Deceased</b>	22.11.2011	23.11.2011

11.	Sri Rajeev Kumar	6 <sup>th</sup> ADJ, Dehradun	01.03.2013	02.03.2013
12.	Sri Sajeet Kumar	ADJ, Laksar, District Hardwar	09.05.2013	10.05.2013
13.	Sri Mohd. Sultan	ADJ, Vikasnagar, Distt. Dehradun	17.09.2013	18.09.2013
14.	Sri Mahesh Chandra Kaushiwa	Addl. Secretary-cum-Addl. L.R., Govt. of Uttarakhand, Dehradun	16.09.2013	17.09.2013
15.	Smt. Shadab Bano	7 <sup>th</sup> ADJ, Dehradun	02.04.2014	03.04.2014
16.	Sri Nasim Ahmad	ADJ, Kashipur, Distt. U.S. Nagar	06.07.2014	07.07.2014
17.	Sri Abdul Qayyum	Civil Judge (S.D.)/Secretary, DLSA, Tehri Garhwal	05.07.2014	06.07.2014
18.	Sri Mithilesh Jha	OSD/Deputy Secretary, State Legal Services Authority, Uttarakhand, Nainital	03.07.2014	04.07.2014
19.	Sri Om Kumar	Civil Judge (S.D.), Ramnagar, District Nainital,	04.07.2014	05.07.2014
20.	Sri Sanjeev Kumar	Addl. Judge, Family Court, Roorkee, District Hardwar	06.07.2014	07.07.2014
21.	Sri Nandan Singh	Chief Judicial Magistrate, Nainital	06.07.2014	07.07.2014

By Order of the Court,

## Some Recent Judgments of Uttarakhand High Court

### Division Bench Judgments

1. In *Spl. Appeal. No 489/2015, State of Uttarakhand & others vs M/S ABL Projects & others*, decided on 01.10.15, the petitioner applied to M.D.D.A for sanction of plan for proposed development /construction on the land owned by it. M.D.D.A sought NOC from the District Magistrate, A.D.M. issued the required NOC and MDDA granted sanction to the petitioner. Accordingly, petitioner started development/construction work. MDDA, vide letter dt 10.03.15, suspended the sanction granted to petitioner on the ground that NOC issued by A.D.M. Had been withdrawn by the D.M., as no approval of D.M. was obtained. Petitioners challenged the said orders of D.M. & the MDDA by filing writ petition before single bench. The writ petition was allowed by single bench on the ground that in view of S 15(9) of U.P. Urban Planning & Development Act, 1973 prior opportunity of hearing was required to be given to petitioner before suspending the sanction granted to him. Thus, Spl Appeal has been filed by MDDA against such order.

The bench, while allowing the appeal, observed that though, there is no law providing for NOC from the D.M. Before granting sanction under S 15(3) of the Act of 1973, in view of S 18A(4) OF U.P. Land Revenue Act. Collector includes Addl. Collector and that the NOC issued by A.D.M. could not be withdrawn without affording opportunity of hearing to the petitioner and the NOC given by A.D.M. would accordingly revive. It is further held that S 15(9) of the Act of 1973 did not provide for suspension of the sanction granted under S 15(3) of the said Act and no prior opportunity of being heard was required to be given for suspending the said sanction, however, notice should be given by the D.M. to the petitioner before the recalling the NOC issued by the A.D.M. And only thereafter, appropriate order ought to have been passed. In modification of the judgment of single bench, it is directed that the District Magistrate will afford an opportunity of hearing to the writ petitioner and finalize the matter as early as possible, at any rate, before 28.10.15. After that the decision of Collector be communicated to M.D.D.A. And thereafter, M.D.D.A. will be free to take action in accordance with law, than M.D.D.A. Communicate it to petitioner. Till such time as the decision is communicated by the M.D.D.A., the writ petitioner will not carry out any construction.

2. In *W.P.(S/B) No. 471/2015, Dr Ashok Kumar Sharma vs State of Uttarakhand & others*, decided on 28.10.15, the petitioner challenged the order dt. 14.10.15 of the Authorised Controller of B.D. Inter College, Bhagwanpur, Haridwar. The Authorised Controller issued advertisement for appointment of Principal of the institution. The petitioner also submitted his application but he remained unsuccessful in getting selected while resp. No 07 got selected and appointed. Thereafter, the petitioner filed writ petition contending that the Authorised Controller has no power to issue advertisement for the post of Principal.

The bench, while dismissing the petition, observed that in view of Sec 34, 35 & 37 of Uttarakhand School Education Act, 2006, the Authorised Controller is appointed to take over management of the institution and the management of the institution includes the power to carry out selection of teachers & Principal of the institution. After having participated in the selection process in pursuance of the advertisement, petitioner had no right to challenge the powers of the Authorised Controller.

3. In *Spl. Appeal No.466/2015, Gopal Singh Salal vs State of Uttarakhand & others, with Spl. Appls No. 467&497 of 2015*, decided on 28.10.15, the matter relates to compassionate appointment. The husband of the petitioner, who was working as Class III in the fourth respondent college, died on 25.03.05. Petitioner moved application for appointment under the Dying-in- Harness Rules on 10.04.05. In July 2005, the respondent no. 5 promoted from class IV post to class III post, filling up the vacancy created by the death of the petitioner's husband. In November 2005, appointment given to the petitioner in class IV post and she accepted the same. In the year 2011, she filed writ petition, claiming her appointment on class III post w.e.f. the date of her appointment on class IV post. Writ petition allowed, giving her seniority w.e.f. 10.4.05 (the date of her application). Thus the Special Appeals challenging the said order.

The bench, while allowing the appeals, observed that once a person is considered under the Dying-in-Harness scheme and given appointment, in ordinary circumstances, his right to be considered for appointment under the Dying-in-Harness scheme would get consummated. A person cannot get a right to be considered for being appointed under the Dying-in-Harness scheme, twice. In the present case, the petitioner had no indefeasible legal right to be appointed on class III post under the Dying-in-Harness rules and further, she did not come to the Court immediately, when she was given appointment on class IV post, rather she accepted the same and since on her appointment on class IV post, her right to get appointment under Dying-in-

Harness rules, got consummated, she could not be considered for appointment twice. It it further held that no relief could be given against the respondent no.5, who was appointed on class III post in July 2005 and her writ petition had no force. Impugned judgment, accordingly set aside.

4. In *W.P. (S/B) No. 258/2015 Gambeer Singh Tomar vs.State of Uttarakhand and others with W.P. 257/2015*, decided on 19.11.2015, the petitioners were appointed as Junior Engineer through Public Service Commission. On the basis of applications invited by the Govt., they applied and according to them, after undergoing a process of selection, they are appointed on deputation in the Prime Minister Gram Sarak Yojna (herein after referred as 'PMGSY'). Prior to the expiry of three years, they stand repatriated by the impugned order to the PWD Department. It is this action, which called in question by the petitioner in these writ petitions.

The bench, while dismissing the petition, observed that it is mentioned in the order of Chief Engineer, level II, by which the petitioners were posted on deputation on the post of Assistant Engineer that the aforesaid deputation is for a period of three years and it can be cut short undoubtedly if a regular person is appointed before the said period. It was a bonafide act on the part of the government in the absence of any allegation even. Therefore, it was an exercise of the executive power by the State to repatriate. Petitioners are regular appointees. They are being repatriated when they have no right as it is already ruled that it is not an appointment by deputation. They cannot seek protection from being repatriated. It is not the function of the court to run the government. It is the government authorities, who are charged with such function to decide what is in the best interest of the administration. Interference of the court is premised on the foundation of illegality or arbitrariness or malafide in State action.

5. In *W.P. (S/B) 253/2015 Ashutosh Tewari and others vs. State of Uttarakhand and others* decided on 09.12.2015, the petitioners have applied for being considered to the post of Assistant Professor. The posts in question were advertised along with various other posts by the 3rd respondent in respect to the 4th respondent college. The 4th respondent is a government aided society. The apex body of the said society is the Board of Governors and the Minister of Technical Education Department is the Chairman of the Board. The complaint of the petitioner is that on the basis of an anonymous complaint received, a Committee was constituted by the Government. The Committee submitted its report in June 2014. On the strength of the said report of the Committee, the entire selection process has been cancelled by the Government.

The bench, while allowing the petition, observed that every time, a selection is called in question and the authority takes a call to cancel the selection, the court would scrutinize the action of the authorities to ascertain, whether the action of the authority to cancel the entire selection was justified on facts. A selection may come under cloud and may warrant cancellation en-bloc in certain situations. But it cannot be that if the blemish affects only the selection party, then it becomes imperative that those, who cannot be painted with the same brush as those who are found to be with blemish, should also face the same fate. Employment is the new form of property in welfare state. There is a duty to act fairly having regard to the mandate of Article 14 and 16. Besides this, it has also been pointed out by the petitioners that the supreme body in regard to this institution is the Board of Governors. The Minister is at the helm of affairs being the Chairman. The Minister, in his capacity as a Chairman, has proceeded to take the decision on 08.06.2015. It is further held that there was no occasion for the Minister to invoke the powers under clause 32 (5) of the bye laws. 'Emergency power' as the very words suggest is not to be exercised in routine fashion. The powers are ordinarily to be exercised by the Board of Governors, which appears to be a composite body consisting of bureaucrats, representatives of the Government and the scientific persons. The fact that the decision is taken after a lapse of nearly a year of the submission of the report would itself show that there was ample time for the Board of Governors to discuss the matter and to arrive at a legal and fair decision. Therefore, the Chairman has exercised power beyond the scope of the authority conferred on him under the bye law in the facts of this case. The decision dated 08.06.2015 taken by the Chairman will stand quashed to the extent it relates to the disciplines of the petitioners. The Board of Governors will consider the question as to whether, having regard to the report submitted by the Committee and any other relevant facts, the selection in regard to the posts, for which the petitioners have offered themselves for selection, should be cancelled. A decision in this regard must be taken within a period of two months from today.

6. In *Criminal Appeal No. 102/2014 Deepak Arya vs. State of Uttarakhand*, decided on 08.10.2015, the appeal is preferred against the judgment and order passed by Sessions Judge Nainital in ST No. 50/2013 whereby the accused appellant was held guilty for the offences punishable under Section 457, 363, 376 and 302 IPC. This case relates to the DNA evidence as enshrined in Section 45 of the Indian Evidence Act. As per the evidence on record, dead body of the missing girl, aged 08 years, found in naked condition in a ditch, during her search. The

accused, who was also searching her, lifted the dead body on his shoulders and brought the same to the house of complainant. It was the month of July and everybody, including the accused was sweating and the accused was soaked with sweat due to carrying of the dead body. The blood sample and vaginal swab of the deceased was taken, the blood sample of several persons including the accused were also taken and in DNA test report, DNA profile of the accused found to be consistent with DNA of vaginal swab of deceased.

The bench, while acquitting the appellant, observed that the suspicion, however grave, cannot substitute the proof and that due to the sweating of accused, his dead cells might have come into contact with the dead body cells of the deceased and would have found in the vaginal swab of the deceased and such a possibility could not be ruled out.

7. In *Criminal Appeal No. 132/2011 Rameshwar Dayal vs. State of Uttarakhand*, decided on 09.12.2015, the appeal is preferred assailing the judgement & order passed by Addl. Dist. Judge, Haldwani Nainital in ST No 149/2009 whereby the accused was held guilty for the offence punishable under S 302 IPC. As per the evidence on record, PW1 got registered an FIR stating that Moolchand was staying in his house along with his wife and family as tenant; about 3-4 months back, daughter of Rameshwar Dayal went missing from his house, accused Rameshwar Dayal having suspicion that his daughter was enticed away by Ravi, son of Moolchand. After some time back, daughter of accused came back and thereafter, she was got married by the accused; however the accused was having enmity with Moolchand. On 27.07.09 at about 6 p.m. When Moolchand was going towards the market from his house and the moment he reaches near the hut of accused, the accused started assaulting Moolchand with a Kanta (sharp edged weapon), whereby Moolchand fell on the ground and died on the spot. Having heard the noise, the wife of Moolchand came on the spot, meanwhile the accused ran away from the spot brandishing the weapon Kanta.

The bench, while dismissing the appeal, observed that as per the dictum of Apex Court, it is now a settled position of law that the statements of the alleged interested witnesses can be safely relied upon by the court in support of the prosecution's story. But this needs to be done with care and to ensure that the administration of criminal justice is not undermined by the persons, who are closely related to the deceased. When their statements find corroboration by other witnesses, expert evidence and the circumstance of the case clearly depict completion of the chain of evidence pointing out to the guilt of the accused, then there is no reason as to why

the statement of so called 'interested witness' cannot be relied upon by the court. It would be hard to believe that the close relatives shall leave the real culprit and shall implicate innocent persons falsely simply because they have enmity with the accused persons. It is further observed that the weapon Kanta, so recovered, was produced before the PW4 during his examination and he has identified that this is the weapon which was recovered on the pointing out of the accused. Disclosure statement of the accused and recovery of weapon on the pointing out of the accused is admissible u/s 27 of Evidence Act. If a person is accused of an offence and is in police custody and on his disclosure, any recovery is made, then the same shall be admissible in evidence u/s 27 of Evidence Act.

8. In *Criminal Appeal No. 173/2011 Yogesh Rautela vs. State of Uttarakhand alongwith Criminal Appeal No. 189, 203, 227 and 261/2011*, decided on 18.11.2015, the appellants assailed the judgment of Sessions Judge Champawat whereby the appellants have been found guilty of offences punishable under Section 302, 364, 120B, 396, 201 and 411 IPC.

The bench during the hearing of appeals observed that it is pertinent to mention that although the accused persons have confessed in their respective statements about shooting Mr. Kanhaiya Lal (Driver) and then throwing his body too in the flowing river, after packing it in a big bag along with two other deceased, but despite every effort, his dead body could not be recovered during the whole course of investigation. Although the trial judge has attributed the guilt upon all the accused persons for committing the triple murder on the basis of confessional statements, supported by a number of corroborative pieces of evidence, but still it is difficult to understand why the body of Mr. Kanhaiya Lal could not be recovered even till date. However, there is no hesitation that committing murder of remaining two victims by these accused/appellants along with plundering of looted precious jewellery items, is well proved on the basis of evidence available on record. It is further held that the entire case is based upon the circumstantial evidence and more particularly about the recovery of huge gold/silver jewellery items as well as precious stones, usually sold by the jewellers. This recovery is on the disclosure as well as at the instance of all these culprits respectively, making the confessional statements before the Police and Investigating Officer. Besides this, the financial position of present appellants is also not that sound so as to justify the possession of all these gold and silver jewellery items as well as precious stone by them in their direct or constructive possession. All the accused persons were arrested and at their disclosure nay at their instance, the heavy silver

items, as indicated above, as also several gold items including the precious stone (distributed in their respective shares) were recovered from their own houses. Another circumstance leading to the culpability of these appellants is that the blood stained pant of deceased was also recovered during the course of investigation and when such pant along with sweater and napkin were sent for chemical examination to match the stains of blood from the pant of A1 then human blood was found to be 'AB' group. In the above circumstances it is a fit case where the chain of the circumstances is complete, pointing out all the incriminating links attributing the guilt of dacoity as well as murder by these appellants only. All the five Appeals are devoid of any merit and thus, dismissed accordingly.

### **Single Bench Judgments**

1. In *W.P.(S/S) No. 431/2015, Smt Chetna Anand vs University Grant Commission & others*, decided on 09.10.15, the petitioner is getting family pension from Gurukul Kangri Vishav Vidhyalaya, Haridwar after the death of her husband. The University on 12.03.15 passed an order stating that due to miscalculation enhanced pension has been given to her. Consequently for the period of almost 15 years, the recovery is being made which amounts to Rs 3,26,702/-. This order was challenged in present petition.

The bench, while allowing the petition and quashing the impugned order dt 12.03.15, observed that petitioner is a widow of deceased employee who is presently 67 years of age and is already battling cancer and she is in need of funds in order to get a proper treatment, there is absolutely no doubt in the mind of this court that the recovery being made by the University from the petitioner would entail an extreme hardship on the petitioner which would be iniquitous and unjust. However, it is made clear that since there has been on the part of university in calculating the amount, the mistake which is admitted on the part of University authority as well, in future or since 12.03.15, if already implemented the family pension which shall be given to the petitioner would be re-fixed, at the correct rate.

2. In *W.P. (S/S) No. 975/2009 Rajesh Kumar Saxsena vs. Uttarakhand Parivahan Nigam & others* decided on 12.10.2015, the petitioner, a conductor in Uttarakhand Transport Corporation was guilty of charging fare from the passengers which was not only higher but it was for a place where the Bus was evidently not even destined to go. Thereafter, he was suspended in

contemplation of disciplinary proceedings. The punishment imposed on petitioner was that he was asked to deposit Rs 10,000/- as fine and in future he shall not be considered for promotion for further four years and no amount be paid to him during suspension period. Against this order dated 16.04.1985 of Regional Manager Tanakpur the petitioner moved an appeal before Managing Director. On 07.09.2009 General Manager (Administration) decided the appeal by dismissing the petitioner from the service. So this writ is before the court assailing the dismissal order.

The bench, while allowing the petition & setting aside the impugned order dt 07.09.09, observed that the Chairman or Managing Director should have exercised powers suo moto under S 69A of U.P. Road Transport Corpn. Employees Service Regulations, 1981, it has already been seen that S 69 A of Regulation carries immense and wide powers subject to certain limitations. The General Manager (Admin.) does not have powers under S 69A of Regulations. Therefore, technically speaking the order dt 07.09.09 cannot be sustained as it is totally without jurisdiction. It is made clear that the punishment earlier imposed against the petitioner vide order dt. 16.04.05 shall remain. Authority shall also be at liberty to think about compulsory retirement of petitioner, if the rules so provide. Regarding the back wages of the petitioner, it is made clear that the petitioner shall also be at liberty only to pray to the concerned authorities for his subsistence allowance for suspension period.

3. In *W.P.(S/S) No.796/2015 Mohd. Yunis & others vs State of Uttarakhand with writ petitions 793,795 & 797/15*, decided on 03.11.15, the petitioners are the workmen working in a cooperative sugar factory in State of Uttarakhand. They are working on daily wage basis and getting the minimum of pay scale. They now claim a benefit of G.O. dt 04.01.06 which was passed by State Govt. under powers vested with the Govt. under S 3(6) of U.P. Industrial Disputes Act.

The bench, while allowing the petition, observed that the above provision shows that these orders are passed by the State Govt. "for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment." A mandamus is hereby issued to the respondents to make the payment of revised pay scale to the petitioners in pursuance of G.O. Order 04.01.06. As far as the arrears are concerned, since it will also entail an immediate financial burden on the sugar factory, the same may be given in reasonable installments to the petitioners.

4. In *W.P. (S/S) No. 2150/2015, Jeevan Singh vs. State of Uttarakhand along with bunch of writ petitions*, decided on 05.11.2015, the petitioners had competed in a selection process for the post of Sub-Inspector (Ranker) in Uttarakhand Civil Police. There were 340 posts of Sub-Inspector and 2290 candidates were declared successful in written examination and the successful candidates had to undergo physical endurance test which is mandatory for all the candidates. The test was a 05 km run, which is to be completed within 30 minutes for male candidates and 03 km run to be completed within 20 minutes for female candidates. All the above petitioners qualified the written examination but failed in physical endurance test. Some of them collapsed during the run, others could not finish the run within the stipulated time. The petitioners hence challenge the physical endurance test calling it arbitrary, illegal, dehors the rules etc.

The bench, while dismissing the petitions, observed that petitioners were aware well in advance that they have to undergo a physical endurance test where they have to run 05 km in 30 minutes (03 km in case women). They never challenged the conditions before this court earlier and as already stated above, they willingly participated and having failed to qualify, they have challenged the said physical endurance test. Therefore, in view of settled position of law laid down by Hon'ble Apex Court, the petitioners are in fact barred from challenging the said physical endurance test. However, it must be stated that the court cannot loose sight of the fact that many of the candidates collapsed during the race and 02 out of them eventually died in a Hospital. This shows that there were not enough precautions taken by the authorities, who conducted the said physical endurance test. Though this itself does not give any benefit to the petitioners, yet in order to avoid such tragedies in future, the State government is well advised to take appropriate medical tests of each candidate who is participating in the test and further keep its logistics and medical help in place as regarding emergency, so that tragedies of this nature should be avoided in future.

5. In *W.P. (S/S) No. 1889/2015, Lalit Prasad vs. State of Uttarakhand and others alongwith W.P. No. 2389/2015*, both these petitions have been filed challenging the selection process undertaken by the District Co-operative Bank Ltd., Almora for recruiting class IV employees. An advertisement was published calling applications from eligible candidates for class IV posts. The minimum qualification was High School and entire selection was based on an interview. The total marks for the interview are 50 out of which 05 marks were reserved for past services of a candidate.

The bench, while allowing the petitions, observed that the process of interview is not a fair procedure at all. Once the entire criteria for selection is interview then it would mean that the selection committee has unlimited subjective powers as there is no objective criteria by which they can evaluate a candidate. This procedure is inherently bad and against public policy and cannot be allowed to stand by this court. What is challenged before this court is a process which is patently illegal and unfair? The advertisement and the order dated 13.12.2013, passed by respondent No. 2 are hereby quashed. Let the respondents initiate a fresh selection process in accordance with law.

6. In *Criminal Misc. Appln. No. 565/2015, Anoop Singh @ Chintu and others vs. Smt Mamta*, decided on 16.11.2015, the petition is preferred against the order passed by Judicial Magistrate, Roorkee where by the court issue the process against the petitioner under Section 204 of Cr.P.C as well as judgment and order passed by 2nd Additional Sessions Judge, Roorkee in Criminal Revision.

The bench, while allowing the petition, observed that it is settled position of law that before issuing the process under Section 204 of Cr. P.C, Magistrate must record his prima-facie satisfaction as to whether, prima-facie offence is made out and as to whether there are sufficient grounds to issue process against the accused, which is absolutely missing from the impugned order. Impugned summoning order as well as revisional court order are hereby quashed. Matter stands remanded to Magistrate under Section 398 of Cr.P.C. Magistrate shall enquire the matter a fresh in accordance with law and there by shall be at liberty to pass appropriate order in accordance with law in the light of material available on record. Complainant if so wish, shall be at liberty to produce additional material before the court.

7. In *Criminal Misc Appln No. 1442/2015, Naresh Chandra vs. Shakil Ahmad*, decided on 24.11.2015, the petitioner assailed the order of Judicial Magistrate, Dist. U.S. Nagar in criminal complaint NO. 900/2013, under Section 138 of Negotiable Instrument Act. In this case, a complaint was filed by respondent under Section 138 N.I.Act against petitioner. During the trial, case was fixed for cross examination of complainant for the case was adjourned on the request made by accused and his counsel. Ultimately case was fixed for 28.08.2014, on that date, too the cross examination was not done by counsel of accused then court closed the opportunity of cross examination and fix the case for statement of accused under Section 313 of Cr.P.C. When accused do not appear before the court, NBW was issued against him. After that accused

appeared before the court and statement of accused under Section 313 Cr.P.C. Recorded. Thereafter, five different dates were fixed for defence evidence but no evidence in defence was produced. Consequently, application under Section 311 Cr.P.C was moved by the counsel of the accused to recall the complainant for cross examination which was dismissed by the court. The present petition is filed against that order.

The bench, while dismissing the petition *in limine*, observed that asking the court to recall the witness for the purpose of cross examination, the party making such request must demonstrate to the satisfaction of the trial court that as to why, when opportunity was granted to cross examination the witness, he could not be cross examined? No court, ordinarily, shall recall the witness for the purpose of cross examination or further cross examine merely because party wants to do so. In the present case, no valid reason has been assigned as to why complainant could not be cross examine despite several dates fixed, so petition is devoid of merit.

8. In *Criminal Revision No. 318/ 2015, Jagjeet Singh (Minor) vs. State of Uttarakhand*, decided on 14.12.2015, the revisionist assailed the order dated 30.09.2015 passed by Juvenile Justice Board, Nainital where by application of accused/ revisionist seeking bail was dismissed on the ground that revisionist is an accused for the offence of heinous rape and if he is enlarged on bail he may join the company of known criminals as well as judgment and order passed by Special Judge POCSO Haldwani Nainital where by appeal was dismissed.

The bench, while allowing the petition, observed that Juvenile Justice Board Nainital, while rejecting the bail observed that since accused has committed serious offence of rape, therefore if he is released on bail, he may join bad company but Board has not referred to any material in support of such observation. The Board should discuss entire material produced before it to come to the conclusion that if bail is granted, Juvenile may join the association with any known criminal or shall expose him to moral, physical or psychological danger or that the release could defeat the ends of justice. In other words, reason to believe must be on the basis of some material placed on record and not on the basis of hypothesis or conjectures. Let the juvenile be released on bail on furnishing personal bond of Rs. 50,000/- by his father to the satisfaction of Principal Judge, JJB, Nainital. Father/ guardian shall also file an affidavit along with personal bond to the effect that during the bail juvenile shall remain in his custody and control and shall not be allowed to mix-up with any criminal or to indulge in any criminal activities.

9. In *Criminal Misc. Appln. No. 1424/ 2015, Gulzar S/o Mohd. Yaseen vs. State of Uttarakhand and another*, decided on 18.11.2015, the petition is filed assailing the judgment and order of Judicial Magistrate Roorkee in Criminal Case No. 316/2014, in which the Magistrate summoned the applicant as additional accused by exercising the power under Section 319 of Cr.P.C.

The bench, while allowing the petition and quashing the impugned order, observed that in the entire impugned order, there is no whisper as to why and in the light of what material/evidence, court has formed the opinion that petitioner should be summoned as an additional accused. Before invoking section 319 of the court to summon the person as an additional accused, trial court must record its prima-facie satisfaction, after discussing the prosecution case, material/evidence available on record to justify summoning. In the present case, the court has not applied its judicial mind and has simplicitor allowed the application without discussing the prosecution story and statement of PW1. Therefore, impugned order does not sustain in the eyes of law. Trial court shall be at liberty to decide the application moved by the prosecution under Section 319 Cr.P.C. a fresh at its own merit in accordance with law before proceeding further with the trial.

10. In *Second Appeal No. 116/2012, Bhim Bahadur vs. Vikram Singh & another*, decided on 12.10.2015, the issue relates to the jurisdiction of court. A civil suit was filed by Vikram Singh (Plaintiff) against Bhim Bahadur and his sister Smt. Lachhi Devi seeking the decree of prohibitory injunction. It was averred in plaint that property in question is an agricultural land while the defendents pleaded in their written statement that land in question, though has been shown in a khasra, but there is a mention of Abadi as well. The trial court formulated the issue that 'whether the disputed site is agricultural in nature, as has been enumerated in plaint or it is an Abadi site as elucidated in written statement'. The trial judge held that disputed site is an agricultural land and not the Abadi because no declaration under Section 143 of UPZALR Act was ever made by competent revenue authority. The appeal was preferred by defendant Bhim Bahadur. The Appellate court held that in both events whether the disputed land was Abadi or agricultural, the civil court has jurisdiction to adjudicate the issue because civil court was well competent to hear the suit seeking injunction in such matters. Hence there is no need to formulate such an issue. In this way, the Appellate court deleted this issue, against which the second appeal has been preferred by the defendant.

The bench, while allowing the appeal, observed that the law is well established to the effect that competency of the jurisdiction or the lack of the same in a particular court cannot be determined by either of the parties through their pleadings, the jurisdiction cannot be conferred on a particular court on the basis of pleadings and admission thereof to decide a particular issue where of the law not confer jurisdiction to the court. Section 331A is clear in its terms that when the nature of land has been pleaded to be agricultural and the same has been denied in the rival contention, being pleaded as an Abadi, the issue must have been referred to as envisaged under Section 331A of UPZALR Act. It is also settled proposition of law that to seek prohibitory injunction against any one and granting of relief to the plaintiff pre supposes his possession over the land in question and the issue of possession on agricultural land could only be decided by the revenue court. Civil Court has no jurisdiction to give finding on possession over agricultural land. So when the issue was framed that whether the land in question was agricultural or Abadi in nature, then the proper course must have been to refer the matter under Section 331A of UPZALR Act. Both impugned judgments of the courts are hereby set aside. The matter is remanded back to the Civil Court to take the recourse of law, as has been discussed herein above.

11. In *W.P. No. 2554/2015, (M/S) Smt. Dimpal vs. Rajesh Batuni & others*, decided on 09.10.2015, the petitioner challenged the order passed by Dist. Judge Dehradun in Election Petition. The petitioner was declared elected for the post of member of Sherpur Ward, Zila Panchayat, Dehradun. Aggrieved against the same, an election petition was filed by respondent no. 1, alleging among other things, that the petitioner was below 21 years of age. The Dist. Judge /Election Tribunal allowed the petition and declared the election of petitioner on the ground that she was not eligible to contest the said election below the 21 years of age and respondent no. 1 was declared elected for the post of member of Sherpur Ward, Zila Panchayat Dehradun.

The bench, while partly allowing the petition, observed that considering the date of birth mentioned in the High School and other evidence on record, there was no reason to interfere on the finding of the tribunal holding that petitioner was below the age of 21 years on the relevant date. It is further held that in view of the decision of Hon'ble Apex Court in *Prakash Khandre's Case (AIR 2002 SC 2345)*, if election of the returned candidate is declared void on the ground of his initial disqualification to contest the election, it by itself would not entitle the election petitioner or any other candidate to be declared elected. Accordingly, part of the impugned

judgment by which election petitioner was elected, set aside, directing the State Election Commission to conduct fresh election for the member of concerning ward of Zila Panchayat.

12. In *W.P. No. 2748/2015, (M/S), Imaginations Agri Exports & others vs. Puneet Kumar Agarwal*, decided on 03.11.2015, the petitioner seek writ to set aside the orders passed by Civil Judge (S.D.) Vikas Nagar in execution case no. 1/2015 and Misc. Case No. 13/2015. A suit for money decree instituted by plaintiff/respondent was decreed against the defendants (petitioners therein).

The bench, while dismissing the petition at the admission stage, observed that it is a settled law that the executing court has to execute the decree as it is and can not travel beyond such decree. The orders passed by the Hon'ble Delhi High Court, as trial court as well as the 1st Appellate Court, have already been referred to above by this court in the body of this judgment. The said orders have attained finality (up held up to the highest court of land). Whether the property, which is subject matter of attachment before executing court belongs to the petitioners or to somebody else, has to be seen by the executing court. A person is stated to have come before the executing court to lay his claim over a part of the property, which is subject matter of attachment before the executing court. If that is so, it is for the executing court to decide the same. So far as the calculation part is concerned, it is therefore, directed that if any objection is raised on behalf of Judgment Debtor before the executing court to show that the calculation made by the decree holder, in his application under Order 21 Rule 30 C.P.C. is incorrect, it is always open for the executing court to correct such mistake by calculation.

13. In *W.P. No. 1302/2015 (M/S), Arvind Kumar Pandey vs. State of Uttarakhand & others, along with 70 other petitions*, decided on 16.11.15, the petitioner challenged the decision taken by Regional Transport Authority in meeting dated 25.03.2015, which was made public vide notice publication dated 21.04.2015, so far as it creates cluster of roads.

The bench, while hearing the case, after going through the documents brought on record, opined that once the petitioners have applied for contract carriage permits and the same having been sanctioned by the competent authority, the respondent authority could not have changed the terms and conditions of the permits in arbitrary manner without informing the affected persons. The decision of the respondent authority dated 25.03.2015, appears to be self contradictory in as much as, on the one hand, it states that the terms and conditions of the letter sanctioning the

permits will continue, but, at the same time, the applicants are now required to opt for one of the cluster of roads on making applications for grant of permits. The earlier conditions on which the letter sanctioning permit was issued in favour of the petitioner specifically mentioned that the permits for Haridwar centre will be for 25 km. radius but decision dated 25.03.2015, of the respondent authority provides that on same conditions, the permits will be issued for cluster of roads, which appears to be arbitrary and contradictory. The respondent authority decided to form clusters for issuance of permits. The letter sanctioning the permit in favour of the petitioners was issued for Haridwar centre for 25 km. radius. The petitioner were caught on the wrong foot as they had applied for the permit of Haridwar centre in response to public notice dated 01.10.2014, but now the respondent, without giving an opportunity of being heard to the petitioners, have changed the terms and conditions of permits of contract carriage issued in favour of the petitioners. The decision of the respondent authority is under challenge on the ground that the said meeting was held without prior public notice and in contravention of the provisions of Section 79 of Motor Vehicles Act, 1988. Furthermore, sub Section (ix) of Section 74 of the Act says that the Regional Transport Authority may vary the conditions of permit but that too after giving notice of not less than one month. In the present case, the respondent authority has varied the terms and conditions of the permit without complying the mandate of the provisions of law. The decision taken by the respondent authority in its meeting held on 25.03.2015, appears to be discriminatory between the same class of persons who have been issued permits pursuant to the decision taken in the meeting held on 10.09.2014. In pursuance of decision dated 10.09.2014, some of the applicants have been issued permits by the respondent authority to operate the vehicle within 25 km. radius from Haridwar centre, where as now additional conditions are being imposed for issuance of permits to the petitioners, that too, in violations of provisions of Section 74 of the Motor Vehicles Act. The conditions of plying of auto rickshaws within a specified cluster of roads imposed by the respondent authority for granting permits to the petitioners is not economically viable to the petitioners. While reviewing its decision, the respondent authority has left the petitioners in the lurch. In view of the above, the Regional Transport Authority, Dehradun region is directed to reconsider the prayer of the petitioners for grant of permits in respect of auto rickshaws for the entire 25/15 km. radius from Haridwar centre as was done in the cases of other applicant (non petitioners), according to law.

14. In *Company Petition No. 04/2015, Doon Valley Colonisers and Builders (P) Ltd vs. Registrar of Companies, U.P. and Uttarakhand*, decided on 04.12.2015, the petitioner has challenged the order dated 31.07.2007, published in official gazette on 22-28/3/2008, by which name of the petitioner's company has been struck off and it was sought to direct the Registrar of Companies to restore name of the company on the roll of companies.

The bench, while disposing the petition, observed that in exercise of power under sub Section (6) of Section 5 of the Companies Act, and after perusal of document filed with the petitions, it appears that the Company is still engaged in its business, therefore, the court is of view that the name of the Company be restored to the register, under the name of the Company with Registrar of Companies, subject to payment of cost amounting to Rs. 25000/-, to be deposited by the Company with High Court Bar Association Welfare Fund. In addition, further cost of Rs. 25000/- be paid to the Bar Association Dehradun. The cost be paid within a period of one month from today. The restoration of name of the petitioner company would be subject to completion of all formalities including payment of late fee or any other charges, leviable by the respondent for late deposit of statutory documents. The impugned order dated 31.07.2007, and publication in official gazette dated March, 22-28, 2008, stands set aside. The petitioner is also directed to file a certified copy of its returns before the Registrar for compliance of the court's order and shall also present the receipt of cost before Registrar.

## Major Events & Initiatives

1. **Gandhi Jayanti Celebration:** On 2nd October, 2015, Gandhi Jayanti was celebrated in High Court premises with great enthusiasm. Hon'ble the Chief Justice Justice K.M. Joseph, Hon'ble Justice S.K. Gupta & Hon'ble Justice U.C. Dhyani paid floral tributes to Mahatma Gandhi. Officers & Officials of Registry, Advocates were also present to mark the occasion.
2. **National Lok Adalat:** As per directions of National Legal Services Authority and under the valuable guidance of Hon'ble the Patron-in-Chief and Hon'ble the Executive Chairman, Uttarakhand State Legal Services Authority, a National Lok Adalat was organised in various courts of State of Uttarakhand on 12.12.2015. In this Lok Adalat, 33068 cases were taken, out of which 6789 were disposed off & total settlement amount was 9,93,06,861/-.

A National Lok Adalat was also organised in High Court premises on 12.12.2015 in which 217 cases were taken out of which 30 cases were decided & the settled amount was 82,71,200/-.

## UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI, NAINITAL

### Training Programmes held in the month of October, 2015 to December, 2015:-

S. No.	Name of Training Programmes/ Workshops	Duration
1.	Training Programme for Promotee Judicial Officers HJS from Uttarakhand Judicial Service	15 September, 2015 to 15 October, 2015
2.	Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2013 Batch (2 <sup>nd</sup> phase of Institutional Training)	31 October 2015 to 29 February, 2016 (04 Month) (on going)
3.	Workshop of CJM's/JM's on 'Forensic Science' (for two days)	05 & 06 November, 2015 (Thursday & Friday)
4.	Workshop on 'Negotiable Instruments Act, 1881' For CJM's /Judicial Magistrates of Uttarakhand (for two days)	19 & 20 November, 2015 (Thursday & Friday)
5.	Workshop of Civil Judges (Sr. Div. & Jr. Div.) on "Survey Methodology & Procedure" (for two days)	30 November & 01 December, 2015 (Thursday & Friday)
6.	Reflective Training Programme for Civil Judges (Jr. Div.) 2012 Batch	07 to 19 December, 2015
7.	Training Programme on UBUNTU-LINUX operating system for Judicial Officers	10 & 11 December, 2015 (Thursday & Friday)

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**FOUNDATION TRAINING PROGRAMME  
FOR  
HIGHER JUDICIAL SERVICE OFFICERS  
(PROMOTED IN THE CADRE OF  
HJS 2014 - BATCH  
FROM UTTARAKHAND JUDICIAL SERVICE)**

**Duration : 01 Month  
(From 15.09.2015 to 15.10.2015)**



**FOUNDATION TRAINING PROGRAMME  
FOR NEWLY APPOINTED  
CIVIL JUDGES (JR. DIV.)  
BATCH- 2013 (2<sup>nd</sup> PHASE)**

**From  
31 October, 2015 to 29 February, 2016**



**UTTARAKHAND JUDICIAL  
AND LEGAL ACADEMY,  
BHOWALI, DISTRICT- NAINITAL  
WORKSHOP ON "FORENSIC SCIENCE"  
FOR CHIEF JUDICIAL MAGISTRATES /  
ADDL. CHIEF JUDICIAL MAGISTRATES /  
JUDICIAL MAGISTRATES**

**Duration: 2 Days (05 & 06 November, 2015)**



**WORKSHOP ON  
'NEGOTIABLE INSTRUMENTS ACT' FOR  
CHIEF JUDICIAL MAGISTRATES/  
ADDL. CHIEF JUDICIAL MAGISTRATES /  
JUDICIAL MAGISTRATES**

**Duration: 2 Days (19 & 20 November, 2015)**

