



2025:UHC:4505-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

**HON'BLE JUSTICE SRI MANOJ KUMAR TIWARI AND
HON'BLE JUSTICE SRI SUBHASH UPADHYAY**

Writ Petition (S/B) No. 427 of 2020

Sunil Kumar Sahoo

--Petitioner

Versus

Bharat Heavy Electricals Limited
and others

--Respondents

Presence:-

Mr. Pankaj Miglani, Advocate for the petitioner

Mr. K.N. Joshi, Deputy Advocate General for the State

Mr. V.K. Kohli, Senior Advocate assisted by Mr. Kanti Ram, Advocate
for the respondents

The Court made the following:

JUDGMENT: (per Hon'ble Justice Sri Manoj Kumar Tiwari)

1. Petitioner was initially appointed as Executive Trainee in Bharat Heavy Electricals Limited (BHEL), Ranipur, Haridwar w.e.f. 04.11.2008. Thereafter he was confirmed on the post of E-1 w.e.f. 04.11.2009 and subsequently, he was promoted as Engineer E-2 w.e.f. 25.12.2013.

2. On 02.06.2015, petitioner was nominated for a diploma course in Industrial Safety and he pursued the said course at Kanpur and was declared successful in the said course on 21.05.2016. Thereafter he was designated as Safety Officer on 14.09.2016.

3. According to petitioner, as Safety Officer, he is entitled to certain status and other benefits as per Uttarakhand Factories (Safety Officers) Rules, 1984 which have been framed in exercise of power under



Section 40B(2) of Factories Act, 1948.

4. The grievance raised by petitioner is that he has been denied those benefits to which he is entitled to as per law. The reliefs sought in the writ petition are as follows:

- “1. To issue Writ, Order or direction in the nature of mandamus directing respondent nos. 1 to 3 to release entire Daily Allowance that has been wrongly withheld by them along with the interest at the rate of 18% per annum and,
2. To issue Writ, Order or Direction in the nature of mandamus directing respondent nos. 1 to 4 to grant the reporting status in consonance to Rule 5 of the Uttar Pradesh Safety Officer Rules, 1984 and,
3. To issue Writ, Order or Direction in the nature of mandamus directing respondent nos. 1 to 4 to provide status to strictly comply with Rule 16 of Uttar Pradesh Safety Officer Rules, 1984 as adopted by State of Uttarakhand and,
4. To issue Writ, Order or Direction in the nature of certiorari quashing the Appraisal Reports of the petitioner for the last three years as filled up by incompetent persons and further directing respondent authorities to consider the promotion of the petitioner from E-3 to E-4 as on 25.06.2020.”

5. Mr. V.K. Kohli, learned Senior Counsel appearing for the BHEL submits that prayer No. 4 has become infructuous inasmuch as petitioner was promoted from E-3 to E-4 w.e.f. 25.06.2021. A statement to this effect has also been made in para 2 of supplementary counter affidavit on behalf of BHEL.

6. Since petitioner has sought writ of mandamus in relief Nos. 1, 2 & 3 and he has not approached the competent authority by making a demand, we, therefore, think it just and proper to permit petitioner to make representation to the competent authority in respect of grievances, as are highlighted in relief nos. 1, 2 & 3. He shall also be at liberty to claim promotion



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from E-3 to E-4 from due date in the said representation.

7. If petitioner makes such representation within two weeks from today, the Executive Director, BHEL shall examine the same and take decision as per law within four months thereafter.

8. With the aforesaid observations, the writ petition is disposed of.

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

MANOJ KUMAR TIWARI, J.

SUBHASH UPADHYAY, J.

Dt: 4th June, 2025
Mahinder