

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Justice U.C. Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 195/DB/2022

Rakesh Semwal, s/o Sri Medhani Dhar Semwal, aged about 52 years, serving as Officer on Special Duty, Sri Badrinath Kedarnath Mandir Samiti, Peepal Koti, r/o Miyawala , Dehradun.

.....Petitioner

vs.

1. The Secretary (Tourism), Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. The Chairman, Sri Badrinath Kedarnath Mandir Samiti, Canal Road, Dehradun.
3. The Chief Executive Officer, Sri Badrinath Kedarnath Mandir Samiti, Dehradun.
4. Sri Ansuia Singh Negi, OSD-(PRO), Sri Badrinath Kedarnath Mandir Samiti Canal Road, Dehradun.

.....Respondents

Present: Sri Uttam Singh, Advocate, for the Petitioner
Sri V.P. Devrani, A.P.O. for the Respondent no. 1

JUDGMENT

DATED: DECEMBER 13, 2022.

Justice U.C. Dhyani (Oral)

By means of present claim petition, the petitioner seeks following reliefs:

“(i) Quash/ Set aside the final seniority list Dated/Year 2022 in respect of only (*da*) *Veyaktik Sahayak/ Vishesh Karyadhikari (ja.sa.) Up seva samwarg-4* in which petitioner has not assigned seniority at appropriate place *avam (da) prachar seva samwarg-(yatra vyavastha up seva samwarg-3)* in which the petitioner's

name has been placed despite having already been promoted (Annexure No. A-2 Page No. 19 & Page No. 20).

(ii) Issue a direction or order to the respondent to grant the seniority of OSD from 14-08-2012 from the date of creation of vacancy i.e. from selection year 2012-2013.

(iii) Issue a direction or order to the respondent to grant seniority from the date of junior promoted as OSD (PRO) i.e. from 28.06.2014 above the respondent no. 4.

(iv) Issue a direction or order to the respondent to correct the designation of the petitioner.

(v) Issue any other suitable order, which the Hon'ble Tribunal may deem fit and proper on the basis of facts and circumstances of the case.

(vi) Award the cost of the petition to the petitioner.”

2. At the very outset, learned A.P.O. objected to the maintainability of the claim petition, *inter alia*, on the grounds that:

(i) Petitioner has no cause of action to challenge the seniority of other cadre; and

(ii) The claim petition is pre-mature.

3. In reply, learned Counsel for the petitioner confined his prayer only to the extent that his representation may kindly be directed to be decided by respondent Badrinath Kedarnath Temple Committee (for short, 'BKTC') by a reasoned and speaking order, in accordance with law, to which learned A.P.O. has no objection.

4. Without prejudice to rival contentions, the claim petition is disposed of, at the admission stage, by directing respondent-BKTC to decide fresh representation of the petitioner by a reasoned and speaking order, in accordance with law, at an earliest possible, on presentation of certified copy of this order along with a fresh representation enclosing documents in support thereof. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

DATED: DECEMBER 13, 2022
DEHRADUN
RS

(JUSTICE U.C.DHYANI)
CHAIRMAN