

**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. 45/DB/2021

Sri Prabhodh Kumar Ghildiyal.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Home, Subhash Road, Secretariat, Uttarakhand, Dehradun.
2. Director General of Police, Uttarakhand Police Headquarters, Dehradun, Uttarakhand.

..... Respondents

Present: Dr. N.K. Pant, Advocate, for the Petitioner
Sri V.P. Devrani, A.P.O. for the Respondents

Judgement

Dated: 07th July, 2023

Justice U.C. Dhyani (Oral)

By means of present claim petition, the petitioner seeks notional promotion on the post of Sub Inspector (in the vacant post) in Uttarakhand Police *w.e.f.* 04.04.2006 on the basis of letter dated 04.04.2006 received from U.P. Police Headquarters, Allahabad, in furtherance of seniority list dated 06.05.2020. The petitioner also seeks consequential reliefs on the basis of the aforesaid notional promotion. The petitioner has also prayed for compensation, among other things.

2. The relief clause was amended by the petitioner during the pendency of present claim petition. All other reliefs, which were sought by the petitioner, earlier while filing the claim petition, have been deleted and the petitioner has prayed for the above-noted reliefs by way of amending the claim petition.

3. The facts giving rise to present claim petition are as follows:

3.1 The petitioner was appointed as Constable on 01.10.1984 in the erstwhile State of Uttar Pradesh. After creation of the State of Uttarakhand, the petitioner was relieved in the year 2002, as per optional arrangement in the State of Uttarakhand. Name of the petitioner was not allocated to the State of Uttarakhand. His name was allocated to the State of Uttarakhand by the Govt. of India on 05.11.2014. Petitioner was the employee of State of Uttar Pradesh till the date of allocation (copy of order dated 22.10.2014 and 05.11.2014: Annexure No. 3). It has been mentioned in the claim petition that as per Section 73 of the U.P. State Reorganisation Act, 2000, the petitioner shall be deemed to be employee of the erstwhile State of Uttar Pradesh till he was allocated to the State of Uttarakhand.

3.2 Uttar Pradesh Police Headquarters issued a letter no. 70 dated 04.04.2006 informing the PHQ, Uttarakhand, Dehradun, for including the option holders-employees of Uttar Pradesh in the R.S.I. examination for promotion on the post of Reserve Inspector/ Company Commander (Inspector), but according to the petition, no direction was issued by the PHQ, Uttarakhand. Hence, according to the petition, the PHQ, Dehradun, has adopted arbitrary procedure and provided promotion to the other persons without following due process of law (copy of communication dated 04.04.2006: Annexure No. 4).

3.3 The petitioner was deprived of his fundamental right due to which his colleagues *i.e.* junior Platoon Commander (S.I.) are

presently working as Deputy Superintendent of Police in the Uttar Pradesh Police. The petitioner had to suffer for non-communication of the order dated 04.04.2006.

3.4 In the year 2006, prescribed examination procedure (examination system) of Uttar Pradesh for promotion on the post of Reserve Inspector/ Company Commander was conducted by the PHQ, Uttarakhand, and accordingly Civil/ Intelligence Branch with 10 service holders were promoted as Reserve Inspector/ Company Commander following only 10 marks interview system. It is pertinent to mention here that upto Group 'C' employees, the interview has been abolished. As per Section 74 of the U.P. State Reorganisation Act, 2000, the conditions of service applicable immediately before the appointed day, any person is deemed to have been allocated to the State of Uttar Pradesh or to the State of Uttarakhand under Section 73 shall not be varied to his disadvantage except with the previous approval of the Central Govt. (extracts of Section 73 and 74 of the U.P. State Reorganisation Act, 2000: Annexure No. 5).

3.5 No action has been taken on the representations of the petitioner, which were forwarded to the higher authorities from time to time. The petitioner always gave outstanding services to the department. Due to arbitrary procedural flaws of the department, the petitioner is continuously facing mental harassment and trauma. In the year 2013, name of the petitioner was included in the promotion list for the post of Reserve Inspector/ Company Commander, but the name of the petitioner was kept in the sealed cover whereas the petitioner obtained more marks than other candidates. After that, as per the order dated 02.04.2014, the matter was discussed in the State Police Establishment Committee in the light of writ petition no. 967/2013 Krishna Chand vs. State, which was on the subject of final allocation. The petitioner was promoted to the post of Company

Commander *vide* order dated 16.05.2014 (copy of promotion order dated 16.05.2014: Annexure No. 6).

3.6 One Sri Mahesh Kandpal, who did not succeed in the departmental examination, approached the Hon'ble High Court. It has been mentioned in para 4(g) that Sri Kandpal concealed the facts before the Hon'ble High Court due to which correct facts were not brought before the Hon'ble Court as a consequence of which the interest of the petitioner was adversely affected. Hon'ble High Court had passed an order that till the date of allocation, the petitioner is not an employee of Uttarakhand Police. The petitioner was reverted back to the post of Platoon commander. This reversion order adversely affected the social status of the petitioner as well as his service records. The petitioner had to face very odd situation (copy of reversion order dated 05.07.2014: Annexure No. 7).

3.7 To protect his interest, the petitioner had no other option but to file writ petition. He filed a writ petition before the Hon'ble High Court. He also approached the Government of India for his allocation. Finally, on the basis of order passed by the Hon'ble High Court, the petitioner was allocated to the State of Uttarakhand from the appointed date *w.e.f.* 09.11.2000 *vide* Government of India communication dated 22.11.2014, which was corrected *vide* letter dated 05.11.2014 (copy of the order dated 20.03.2014: Annexure No. 8). After the final allocation of the petitioner, he was promoted as Company Commander *w.e.f.* 27.02.2013 notionally but the person, who was promoted in place of the petitioner was not reverted (copy of promotion order dated 08.12.2014: Annexure No. 9). PHQ, Uttarakhand, issued a joint seniority list of the Inspector/ Reserve Inspector/ Company Commander upto January 2015, who were working in the State of Uttarakhand and were the allottees of the successor State of Uttarakhand under the orders of the Government of India. In the said list, the name of one Sri Pradeep Madhukar Godbole figured

at serial no. 27 and the name of one Sri Anil Kumar Sharma figured at serial no. 36, who were although working in the State of Uttarakhand but had opted for the erstwhile State of Uttar Pradesh. They got notional promotion from 31.12.2007 and 04.01.2008 respectively. The petitioner was not allocated the State of Uttarakhand till 22.11.2014 (in view of allocation dated 22.11.2014) and correction letter dated 05.11.2014. Sri Godbole and Sri Sharma were also not allocated to the State of Uttarakhand. Two similar persons cannot be treated differently (copy of joint seniority list: Annexure No. 10).

3.8 The petitioner was an employee of Uttar Pradesh Police till the date of his allocation 05.11.2014. If the petitioner's name was included for the promotional exercise in the year of 2006, then according to communication dated 04.04.2006 of the Uttar Pradesh Police Headquarters, the petitioner would be promoted on the post of Deputy Superintendent of Police as per seniority of the erstwhile State of Uttar Pradesh.

3.9 From the date of allocation, the petitioner is an employee of Uttarakhand Police and G.O. issued by the respondent on 31.03.2015 in view of decision rendered by the Hon'ble High Court of Uttarakhand in WPSS No.1466/2011, Jagdish Ram and other vs. State and others, the petitioner is entitled to all the benefits except increment including the training period in the service of police. These benefits have been granted to other similarly placed employees. Hence, in the similar matter, all the benefits *vide* G.O. dated 31.03.2015 in continuation of order dated 03.07.2013 of the Hon'ble High Court should be granted to the petitioner.

3.10 The petitioner is entitled to promotion from 04.04.2006 and is consequently entitled to seniority in his cadre. It has been indicated in para 4(l) of the petition that in the matter of Gauri Shanker Joshi, the petitioner was granted notional promotion on the analogy that his juniors were given the benefits.

3.11 As per the Hon'ble Court's order dated 14.11.2019, petitioner was allocated the State of Uttarakhand from the date of his appointment. Petitioner continuously made requests for granting him promotion from 04.04.2006 and fix his seniority in the concerning cadre but due to the negligence of the respondent, the matter could be referred by the concerning authority to the higher authorities. PHQ, Uttarakhand issued a final joint seniority list of Inspectors/Reserve Inspectors/ Company Commander on 29.04.2020, which was circulated on 06.05.2020 but it is ridiculous to note that petitioner's matter was kept in the cold storage and no action was taken by the respondents (list dated 29.04.2020 and letter dated 06.05.2020: Annexures No. 14 and 15). The petitioner filed various representations to the concerning authorities but no action has been taken by the respondent authorities on the legitimate claim of the petitioner, therefore, he had no option but to file present claim petition.

4. Various documents have been filed by the petitioner in support of his claim petition. A reference of relevant documents shall be given while discussing the merits of the claim petition.

5. Written statement has been filed on behalf of the respondents. Counter affidavit has been filed by Ms. Beena Rani, Deputy Superintendent of Police (Ministerial), PHQ, Dehradun. In the detailed C.A., each and every material fact mentioned in the claim petition has been denied. Documents have been filed on behalf of the respondents in support of their C.A., a reference of which shall be given while discussing the merits of the claim petition.

6. In the C.A. thus filed, it has been mentioned that the selection/ promotion process has been regulated from the post of Sub Inspector Armed Police and Platoon Commander to *Dalnayak* (Company Commander) in PAC as per the relevant Govt. orders. The Uttarakhand Govt. has issued notification on 26.04.2006 under the powers conferred by the Police Act. According to the

provisions contained in the notification dated 26.04.2006, the petitioner has been promoted from Platoon Commander/ Sub Inspector Armed Police to the post of *Dalnayak* in the year 2013 on 27.02.2013 after completing requisite 10 years satisfactory qualifying service as a Platoon Commander.

7. In addition to above, as per the provisions contained in the notification dated 26.04.2006, the promotion process has been done in the PAC cadre from Platoon Commander/ Sub Inspector Armed Police to *Dalnayak*, the details of which are given in para 6 of C.A. filed on behalf of the respondents. Detailed parawise replies have been given in the C.A.

8. It is the submission of learned A.P.O. that request of the petitioner for promotion on the basis of seniority to the post of *Dalnayak w.e.f.* 04.04.2006 is dehors the Rules governing the field. The claim petition has no substance. It is devoid of merits and should be dismissed (copy of G.O. dated 26.04.2006: Annexure No. CA1). Learned A.P.O. also submitted the petitioner has been given promotion on the post of *Dalnayak/ Company Commander* on 27.02.2013. Learned A.P.O. also submitted that no member of the Platoon Commander/ Sub Inspector Armed Police, who is junior to the petitioner, has ever been promoted to the rank of *Dalnayak* before 27.02.2013.

9. Elaborating further, learned A.P.O. submitted that the petitioner has been promoted to the post of Deputy Superintendent of Police *vide* order dated 25.01.2021 and in compliance of the said promotion order, the petitioner has taken charge of the post of D.S.P. The petitioner has been given notional promotion to the post of *Dalnayak/ Company Commander w.e.f.* 27.02.2013 on the date of promotion of personnel junior to him to the post of *Dalnayak/ Company Commander vide* headquarters' order dated 18.12.2014. While submitting the application dated 25.03.2015, a request was made by the petitioner that while calculating the probation period from the date of promotion to the

post of *Dalnayak*, the seniority should be given from the date 27.02.2013. It has been clarified in C.A. of the respondents that the seniority has been given to the petitioner from the date of promotion to the post of *Dalnayak w.e.f.* 27.02.2013. The petitioner has been confirmed as per the Rules from the date of promotion *i.e.* 27.02.2013 by calculating the period of promotion and the seniority of the post of *Dalnayak* has been given from that date. On the basis of above seniority lists of *Dalnayak/* Inspectors dated 29.04.2020, the petitioner has been promoted to the post of D.S.P. on 25.01.2021. No objection was raised by the petitioner on the seniority list when he was promoted to the post of D.S.P. He did not raise any objection to the seniority list dated 29.04.2020 at the time of his promotion. This was done without any protest. Hence the petitioner has no *locus standi* to challenge the seniority list of the Inspectors (29.04.2020), in which the petitioner has rightly been placed at correct serial number in accordance with his date of substantive appointment *i.e.* 27.02.2013.

10. Learned A.P.O. further submitted that the claim petition is barred by limitation, inasmuch as the petitioner is seeking relief of promotion from 04.04.2006. There is delay of more than 15 years in filing the same. It is not a recurring cause of action and the claim petition should be dismissed as barred by limitation in view of Section 5(1)(b)(i) of the U.P. Public Services (Tribunal) Act, 1976.

11. Detailed replies have been given by the deponent in the C.A. filed on behalf of the respondents and as have been mentioned above, the averments contained in the W.S./ C.A. shall be mentioned if and when the need so arises while discussing the merits of the claim petition.

12. Rejoinder affidavit has been filed by the petitioner reiterating his claim in the claim petition.

13. Supplementary C.A. has been filed on behalf of the respondents. The same has been filed by learned A.P.O. on

15.06.2023. The deponent of the supplementary C.A. is Sri Bhupal Singh Bisht, D.S.P. (Ministerial), PHQ, Dehradun.

14. The facts noted in such supplementary C.A. are important for deciding present claim petition. Those averments, as contained in the supplementary C.A., are briefly mentioned below for convenience:

14.1 The petitioner was promoted to the post of Platoon Commander (equivalent to S.I. in Civil Police) on 03.01.2002. Hence, on 04.04.2006, the petitioner did not fulfill the requisite qualifying service of ten years as a Platoon Commander for promotion on the post of Company Commander. He was not eligible for promotion to the post of Company Commander on 04.04.2006, as such the notional promotion and seniority could not be granted to the petitioner from 04.04.2006.

14.2 There is no provision for granting notional promotion and notional seniority under the relevant service Rules and Seniority Rules of 1991 (of the State of U.P.), read with Seniority Rules, 2002, (of the State of Uttarakhand) from the date when names are called for R.S.I. course. The seniority can only be granted from the date of substantive appointment.

14.3 No junior to the petitioner has been promoted on the post of Company Commander before 27.02.2013 in the State of Uttarakhand, hence, no cause of action arises to the petitioner for notional promotion and notional seniority in the successor State of Uttarakhand. This is precisely the reason that the name of the petitioner did not find place in the final seniority list dated 06.05.2020 on the basis of letter dated 04.04.2006, issued by PHQ, U.P., Allahabad.

14.4 It is the submission of learned A.P.O. that the petitioner is not legally entitled to get the amended relief as sought

by him. The petitioner has no legal right to claim notional promotion and notional seniority *w.e.f.* 04.04.2006 in the final seniority list dated 06.05.2020 and therefore, the claim petition is liable to be dismissed with costs

15. Petitioner has filed written arguments. It is the submission of Dr. N.K. Pant, learned Counsel for the petitioner that the petitioner was working as Constable in the erstwhile State of Uttarakhand since 01.10.1984. After the creation of the State of Uttarakhand, the petitioner was relieved to the successor state in 2002 on the basis of option given by him. The petitioner was allocated to the State of Uttarakhand on 05.11.2014. It is therefore, clear that petitioner remained the employee of State of U.P. till 05.11.2014. Dr. N.K. Pant also submitted that U.P., PHQ, issued a notification on 04.04.2006 for the eligible persons to appear in R.S.I. examination. According to Dr. Pant, such offer was for those employees of Uttarakhand and Uttar Pradesh, who opted for the State of Uttar Pradesh. The petitioner was an employee of State of U.P. till 05.11.2014. He was allocated to State of Uttarakhand on 05.11.2014. But he was relieved for the State of Uttarakhand in the year 2002. He was working in the State of Uttarakhand when notification dated 04.04.2006 was issued by PHQ, Allahabad. According to Dr. Pant, learned Counsel for the petitioner, the petitioner ought to have been given information by Uttarakhand PHQ, which was not done and such non-communication of the information resulted in deprivation of the petitioner for appearing in R.S.I. examination.

16. Learned Counsel for the petitioner drew attention of para 4 of his written submissions that had the petitioner been sent by Uttarakhand PHQ to appear in R.S.I. examination conducted by U.P., PHQ, then he would have been selected and would have been posted as Inspector since 04.04.2006.

He accordingly would have been promoted further on the basis of his appointed as Inspector on 04.04.2006. Learned Counsel for the petitioner also pointed out that the Tribunal and Hon'ble High Court has given its finding in Gauri Shankar Joshi's case that had he been permitted to appear in the examination in the year 2004, he would certainly have cleared the examination and would have been given benefits on the basis of clearance of such examination. In the same analogy, according to Dr. Pant, had the petitioner been permitted to appear in R.S.I. examination in the year 2006, he would certainly have become Inspector in the year 2006 and would have been entitled to further consequential benefits on the basis of such promotion.

17. It may be noted here, at the very outset, that the State of U.P. has not been made party to the claim petition. This Tribunal is afraid, it is not in a position, at least legally, to give direction to the State of U.P. in view of the decision rendered by the Hon'ble Supreme Court in Civil Appeal No. 3984/2012, State of Uttarakhand and another vs. Umakant Joshi and other connected civil appeals and by Hon'ble High Court of Uttarakhand in WPSB No. 102/2017, Dr. Kamaljeet Singh and another vs. State of Uttarakhand and others; and WPSB No. 71/2013, State of U.P. and another vs. Vinod Kumar Bahuguna.

18. **Further, the Tribunal was taken through the judgements rendered by this Tribunal and Hon'ble High Court in Gauri Shankar Joshi's case. This Tribunal has not been able to find out such proposition of law as has been argued by learned Counsel for the petitioner. In all humility, this Tribunal is unable to find out whether there can be any law to suggest that had somebody been given opportunity to appear in a certain examination, he would have certainly qualified that examination and would have been entitled to seniority from the date some examination was held. We are unable to**

find out if there could be any law that if somebody is permitted to appear in certain examination, he would certainly qualify that examination. Certainty of qualifying that examination is something one cannot reasonably fathom. At least a reasonable prudent person will not base his opinion on the plea that if somebody is permitted to appear in some examination, he will definitely qualify that examination and would have been allowed the benefit of qualifying such examination from the date the examination was conducted.

19. Copy of the notification dated 04.04.2006 issued by U.P., PHQ, Allahabad, has been brought on record by the petitioner as Annexure No. 4 to the claim petition. It is a notification issued by U.P., PHQ. and copy has been issued to various authorities of Police, PAC, Intelligence, Technical services, Railways, STF Headquarters etc., all coming within the jurisdiction of Home Department. The subject matter of notification dated 04.04.2006 (copy Annexure No. 4) is for nomination of eligible employees for 39th Reserve Sub Inspector Course, 2006. The notification says that there are 104 vacancies and it is proposed to conduct a course for Reserve Sub Inspector in Training College, Sitapur. Certain qualifications have been given in such notification. Although few pages of such notification are illegible yet the Tribunal could read the contents of such notification on the basis of copy supplied by learned A.P.O. The last page of such notification would reveal that a copy of the same has been endorsed to PHQ, Uttarakhand, Dehradun, with the request to supply the details of those police officials, who are working in the State of Uttarakhand, or have not returned from State of Uttarakhand and are optees of State of Uttar Pradesh or those who have been given options for the State of Uttar Pradesh. The nomination of such officials was requested to be given on the prescribed proforma, along with character roll, latest by 15.04.2006. A perusal of the notification dated 04.04.2006 would indicate that the nomination of only those officials was to be given by PHQ,

Uttarakhand to PHQ U.P., who have opted for the State of Uttar Pradesh. The petitioner was not an optee for the State of Uttar Pradesh. He was an employee of the State of Uttar Pradesh on 04.04.2006. The notification was meant only for those, who were working in the State of Uttarakhand and had given option to (return to) State of Uttar Pradesh. No document has been offered to show that the petitioner was an optee for the State of Uttar Pradesh, although he was working in the State of Uttarakhand on 04.04.2006, the date of issuance of notification. It, therefore, does not lie in the mouth of the petitioner to say that Uttarakhand PHQ ought to have sent his name to U.P., PHQ, for appearing in Reserve Sub Inspector Course in 2006. The Tribunal observes, on the basis of the language of the notification that, it was not the responsibility of the Uttarakhand PHQ to send the nomination of the petitioner to U.P. PHQ for considering his name for R.S.I. Course, to be held in Sitapur. Had he been optee for State of Uttar Pradesh, who was working in the State of Uttarakhand on 04.04.2006, he was eligible to argue that he was working in the State of Uttarakhand, he had opted for the State of Uttar Pradesh and therefore, it was the duty of Uttarakhand PHQ to send his name to U.P. PHQ for R.S.I. Course. But at present it is not so. It was not incumbent upon Uttarakhand PHQ to send his nomination for R.S.I. Course to U.P. PHQ. The petitioner therefore cannot say that since his nomination was not sent by Uttarakhand PHQ to U.P. PHQ, therefore, he was deprived of participating in R.S.I. Course. It also does not lie in the mouth of the petitioner to say that had he appeared in such Course, he would certainly have qualified the said examination. It may be noted here that no junior to the petitioner has been promoted in the State of Uttarakhand. The petitioner is largely harping upon notification dated 04.04.2006 issued by U.P. PHQ (copy Annexure No. 4) to assert that Uttarakhand PHQ should have nominated him for the R.S.I. Course to be conducted by U.P. PHQ and had he been nominated by Uttarakhand PHQ, he would have qualified the said examination and therefore, he would be entitled to be promoted in

his subsequent cadre in the State of Uttarakhand w.e.f. 04.04.2006. The claim of the petitioner is based on too many 'ifs' and 'buts', with no legal rights in support thereof and therefore, the Tribunal is unable to agree with the submission of learned Counsel for the petitioner that a duty was cast upon Uttarakhand PHQ to nominate him to R.S.I. Course to be conducted by U.P. PHQ in district Sitapur. The petitioner, on his own, did not make any efforts for his nomination, if he so desired for appearing in such course. In other words, there is no document on record to suggest that he moved an application to U.P. PHQ through Uttarakhand PHQ with the prayer that his name be considered or he be nominated for undergoing training in R.S.I. Course to be conducted in Sitapur pursuant to notification dated 04.04.2006. The same is clearly an after-thought. Moreover, no legal right accrues to the petitioner on the basis of notification dated 04.04.2006.

20. The Tribunal has observed above that we are unable to find anywhere that had anybody been permitted to appear in such examination, he would definitely have cleared that examination and would have been entitled to benefits arising out of clearance of such examination.

21. The Tribunal has also observed above that the State of Uttar Pradesh has not been arrayed as party respondent in present claim petition. Anyway it is a trite law that the claim petition should not be dismissed for mis-joinder or non-joinder of necessary parties. We would have thought of arraying State of U.P. as necessary party but we are afraid that Tribunal in Uttarakhand would not have been in a position to give any direction to the authorities in the State of U.P., as has been held by the Hon'ble Supreme Court in Civil Appeal No. 3984/2012, State of Uttarakhand and another vs. Umakant Joshi and other connected civil appeals and by Hon'ble High Court of Uttarakhand in WPSB No. 102/2017, Dr. Kamaljeet Singh and another vs. State

of Uttarakhand and others; and WPSB No. 71/2013, State of U.P. and another vs. Vinod Kumar Bahuguna.

22. At this stage of dictation, learned Counsel for the petitioner made an innocuous prayer that petitioner's name may be sent by Uttarakhand PHQ to U.P. PHQ for considering his promotion in the manner similarly situated persons like Sri Pradeep Madhukar Godbole and Sri Anil Kumar Sharma were given promotion by U.P. PHQ. The Tribunal thinks that such innocuous prayer of the learned Counsel for the petitioner should be accepted inasmuch as it is a trite law that similarly placed persons should be treated similarly and not differently. If Sri Pradeep Madhukar Godbole and Sri Anil Kumar Sharma were given such benefits, the petitioner should also be given such benefit. In that case, the petitioner would be entitled to the benefit, not on the basis of notification dated 04.04.2006 but on the basis of parity, which was given to Sri Godbole and Sri Sharma. It is stated by learned Counsel for the petitioner that Sri Godbole and Sri Sharma were also working in the State of Uttarakhand, but were the employees of the Uttar Pradesh when they were given the benefit by the State of U.P., while working in the State of Uttarakhand. If that is the position, the petitioner has certainly been able to make out a case for consideration by the State of U.P. It has been mentioned by the petitioner in para 4(j) of the claim petition that Sri Pradeep Madhukar Godbole (serial no. 27) and Sri Anil Kumar Sharma (serial no. 36) working in the State of Uttarakhand, opted for erstwhile State of U.P., and got notional promotion from 31.12.2007 and 04.01.2008 respectively. Petitioner was allocated State of Uttarakhand only on 22.11.2014 (corrected on 05.11.2014). While the names of Sri Godbole and Sri Sharma were considered for service benefits, the petitioner was not considered for such benefits.

23. The claim petition is, accordingly, disposed of by making a request to Uttarakhand PHQ to send a reference to U.P. PHQ

(and Secretary, Home, State of Uttar Pradesh), to consider the name of the petitioner for promotion in the cadre of State of U.P. *w.e.f* 04.04.2006, as he was the employee of the State of U.P. on such date. If such decision is taken by the State of U.P. in favour of the petitioner, his counterparts in the State of Uttarakhand should honour the same and grant service benefits to the petitioner provided others in the cadre of Uttarakhand Police are not adversely affected. No orders as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)
[virtually]

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 07th July, 2023
DEHRADUN
RS