

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
BENCH AT NAINITAL**

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**Writ Petition No. 188 (S/B) of 2020**

**[Reclassified and Renumbered as Claim Petition No. 79/NB/DB/2022]**

Harish Chandra Pant, aged about 49 years, s/o late Sri Pooran Chandra Pant, presently posted as Joint Director, Senior Surgeon, District Hospital, Pithoragarh, District Pithoragarh.

.....Petitioner

versus

1. State of Uttarakhand through Secretary in the Department of Medical Health and Family Welfare, Dehradun.
2. Director General, Medical Health and Family Welfare, Office at Danda Lakhund, P.O. Gujrara, Sahastradhara Road, Dehradun.

..... Respondents

Present: Sri K.P. Upadhyaya, Senior Advocate, assisted by  
Sri Hemant Pant, Advocate, for the Petitioner  
Sri Kishore Kumar, A.P.O. for the Respondents

**Judgement**

**Dated: 12<sup>th</sup> September, 2023**

**Justice U.C. Dhyani (Oral)**

Hon'ble High Court of Uttarakhand has been pleased to pass an order on 07.09.2022 in WPSB No. 188 of 2020, Harish

Chandra Pant vs. State of Uttarakhand and another, which (order) reads as under:

“The reliefs sought in the present Writ Petition are the following:-

I. To issue a writ, order or direction in the nature of mandamus commanding the respondents to correct the seniority list dated 19.11.2020 (annexure no. 1) issued by the respondent with regard to the Medical Officers in of the and place the name of the petitioner between the names of Dr. Rakesh Sundariyal (serial no. 419) and Dr. Rajeev Singh Pal (Serial no. 420).

II. To issue a writ, order or direction in the nature of mandamus commanding the respondents to provide all the consequential benefits to the petitioner to which he is entitled due to correction of his position in the seniority list likewise promotion, right of transfer, pay scale, increments and other benefits along with the arrears thereof.”

2. Learned Senior Counsel for the petitioner states that petitioner would take steps to implead the affected persons. As and when such an application is moved before the Tribunal, the same shall be dealt with.

3. The petitioner is a government servant. The subject matter of the writ petition squarely falls within the jurisdiction of the Uttarakhand Public Services Tribunal.

4. Considering the fact that the petition has been pending since the year 2020 and the pleadings have been exchanged, we direct the Registry to transmit the complete record of the present writ petition to the Tribunal forthwith to be registered as a Claim Petition.

5. The writ petition is disposed of accordingly. 6. In sequel thereto, all pending applications stand disposed of.”

2. The original record of the writ petition has been transferred to this Tribunal *vide* letter no. 12985/UHC/Service (S/B) 2022 dated 13.09.2022 of the Deputy Registrar (Judicial) of the Hon’ble High Court. The same has been registered as claim petition no. 79/NB/DB/2022.

3. Seniority list dated 19.11.2020 (Annexure No. 1) is in the teeth of present petition. Petitioner wants the same to be corrected and insert his name between serial no. 419 and 420 in the said seniority list of Medical Officers and also prays for consequential reliefs, as per his entitlement.

4. Necessary documents have been filed in support of his petition, which has been contested on behalf of the respondents, by filing counter affidavit alongwith relevant documents.

5. During the pendency of present petition, an amendment application was moved on behalf of the petitioner, but since, as per the statement of Sri K.P. Upadhyaya, learned Senior Counsel for the petitioner, no one contacted him for taking steps for service of notices upon newly added respondents, therefore, learned Senior Counsel made an innocuous prayer that respondent no. 1 be directed to decide the proposal sent by respondent no. 2, after hearing the affected parties including the petitioner, in accordance with law.

6. Sri Kishore Kumar, learned A.P.O. has no objection to such innocuous prayer.

7. Annexure No. 14 is a letter dated 05.10.2016 written by respondent no. 2 to respondent no. 1 for taking decision on the representation of the petitioner, while recommending his case on the basis of seniority list issued by Public Service Commission in the year 1995-96.

8. Subsequently, another letter was written by respondent no. 2 to respondent no. 1 on 12.05.2017 (Annexure No. 15) in the similar manner. Learned Senior Counsel for the petitioner prays that a suitable decision, as per law, may kindly be directed to be taken by respondent no. 1 on Annexures No. 14 and 15, after hearing the petitioner and other affected parties, in accordance with law.

9. Keeping in view the facts of the case, the Tribunal is of the view that such innocuous prayer is worth accepting.

10. Without prejudice to rival contentions, the petition is disposed of by making a request to respondent no. 1 to take

suitable decision on letters dated 05.10.2016 and 12.05.2017 (Annexures No. 14 and 15) sent by respondent no. 2 to him, after hearing the petitioner and other affected parties, in accordance with law, without unreasonable delay. Needless to say that the decision so taken be informed to the petitioner soon thereafter. No order as to costs.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: 12<sup>th</sup> September, 2023*  
*DEHRADUN*  
*RS*