

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

Present: Hon'ble Mr. Ram Singh

-----Vice Chairman (J)

Hon'ble Mr. A.S.Nayal

-----Member (A)

CLAIM PETITION NO. 29/DB/2018

Naresh Pal Singh (Male) aged about 50 years, S/o Late Sri Vijay Pal Singh, R/o B-7, Uttarakhand Mandi Parishad, Official Residence, Rudrapur, District-Udham Singh Nagar.

.....Petitioner

VERSUS

1. State of Uttarakhand through Secretary, Agriculture and Marketing, Government of Uttarakhand, Dehradun.
2. Uttarakhand Agriculture Produces Marketing Board, Rudrapur, Udham Singh Nagar through its Managing Director.
3. Avinash Kumar Mishra, Presently posted as Deputy General Manager, Technical, Uttarakhand Agriculture Produce Marketing Board, Dehradun.
4. Sri B.P.Joshi, presently posted as Assistant Engineer, Uttarakhand Agriculture Produce Marketing Board, Haldwani, District Nainital.

.....Respondents

Present: Sri Vibhore Maheshwari, Vaibhav Jain & Sri Chetan Jain, Ld. Counsel
for the petitioner

Sri V.P.Devrani, Ld. A.P.O. for the respondent No. 1

Sri D.P.Singh, Ld. Counsel for the respondent No. 2,

Sri B.B.Nainthani, Ld. Counsel for the respondent No. 3

Sri L.K.Maithani, Ld. Counsel for the respondent No. 4.

JUDGMENT**DATED: APRIL 27, 2019****Hon'ble Mr. Ram Singh, Vice Chairman (J)**

1. The petitioner has filed this petition for the following reliefs:

"A. To call for the records and thereafter quash the absorption order (Annexure No. 13 & 14 to this petition) issued in favour of the private respondents in view of the government order dated 13.12.2012.

B. To direct the respondent No. 1 & 2 to consider and decide the representation submitted by the petitioner dated 24.06.2017 and 08.06.2018 in view of the government order dated 13.12.2012.

C. To declare the previous seniority list dated 30.01.2015 as illegal, void and in contravention to the G.O. dated 13.12.2012 and thereby, direct the respondents to prepare a fresh seniority list in accordance with the government order dated 13.12.2012.

D. Pass any other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

E. Cost of petition may be awarded in favour of petitioner.

F. That the order of promotion of the Mr. B.P. Joshi respondent No. 4 to the post of Deputy General Manager (Technical) by Respondent No. 2 dated 03.07.2018 be quashed (Annexure No. 16).

G. That the order dated 04.07.2018 by which the representation of the petitioner has been dismissed be quashed and respondent No. 2 be directed to reconsider the petitioner after affording sufficient opportunity to the petitioner (Annexure No. 17)"

2. Briefly, the stated facts are that the petitioner was appointed as Incharge Assistant Engineer in U.P. Mandi Parishad, on work charge basis on 15.03.1996 by the Chief Engineer, U.P. Mandi Parishad and was posted in Saharanpur Campus of the then State of U.P. After considering the recommendation of the Deputy Director, Administration, petitioner was placed in the minimum pay scale of

Assistant Engineer on 01.09.1996 and was also granted the benefit of other allowances, which was subsequently approved in the 76th Board Meeting of the respondents and accordingly, order was issued by the Director, Mandi Parishad, Uttar Pradesh.

3. After formation of the State of Uttarakhand, the petitioner was relieved by U.P. Mandi Parishad, to work in the newly created State of Uttarakhand on 01.01.2001 (Annexure: 4).

4. On 20.03.2012 (Annexure: 5), the services of the petitioner were regularized in the State of Uttarakhand. However, on complaint against the regularization of the petitioner, an inquiry was conducted and regularization of the petitioner was held good in the inquiry report dated 06.04.2012 (Annexure: 18).

5. As per the contention of the petition, the relevant rules, governing the service conditions are “the Uttar Pradesh Agricultural Produce Markets Board (Officers and Staff Establishment) Regulations, 1984” which are applicable in the State of Uttarakhand too (hereinafter referred to as the Service Rules). According to such Rules, as per Appendix-C, an Assistant Engineer, after completion of 6 years of service, is eligible to be promoted as Deputy General Manager, when such post fell vacant.

6. After completion of 6 years of regular service as Assistant Engineer, when the post of Deputy General Manager fell vacant, petitioner submitted his representations dated 24.06.2017 and 08.06.2018 (Annexure: 6 & 7) to respondent No. 2 to promote him on the post of Deputy General Manager, but ignoring the representations of the petitioner, respondent kept that seat vacant for more than a year. Thereafter, present petition was filed by the petitioner and during the pendency of petition, respondent No. 2 malafidely appointed Respondent No. 4 as Incharge Deputy General Manager on 03.07.2018

and thereafter, on the next day, i.e. 04.07.2018, the representations of the petitioner were decided and were rejected.

7. After such development during the pendency, petitioner amended his petition and sought consequential reliefs. Petitioner also contended that private respondents No. 3 & 4 are in collusion with respondent No. 2 and all have acted against the provisions of law.

8. It is also contended that the private respondent No. 3, Sri Avinash Kumar Mishra and respondent No. 4, Shri B.P. Joshi, the employees of State of Uttar Pradesh and State of Arunachal Pradesh respectively, were sent on deputation to the State of Uttarakhand as Junior Engineer and they were absorbed in the State of Uttarakhand on 03.05.2002 and 30.10.2004 respectively.

9. As per the Service Rules, applicable in the matter, a person can be promoted from the post of Junior Engineer to the post of Assistant Engineer, only after completion of 10 years of service as Junior Engineer in the cadre and as per Uttarakhand Seniority Rules, 2002, the services of an employee, rendered by him, in his parent State, cannot be considered at all for seniority and promotion as his substantive appointment, shall be counted from the date of his absorption in the Uttarakhand State. On that basis, Sri Avinash Kumar Mishra was qualified for becoming Assistant Engineer on 02.05.2012 and Sri B.P. Joshi could only be promoted as Assistant Engineer after 29.10.2014, but ignoring the provisions of Service Rules, Sri Mishra was promoted to the post of Assistant Engineer on 12.08.2004 and Sri B.P.Joshi on 12.09.2006 (only after two years of their absorption) and their past services, in their parent department/State, were wrongly counted for settling the seniority.

10. For promotion from the post of Assistant Engineer to the post of Deputy General Manager, 6 years service is required as Assistant Engineer. The services of the petitioner as Assistant Engineer was

regularized on 20.03.2012, so he became qualified to be promoted for the post of Deputy General Manager on 20.03.2008 whereas, both the private respondents No. 3 & 4 were to complete the required qualification for such promotion only after 02.05.2018 and 29.10.2020 respectively. The promotion of respondent No. 3 & 4 to the post of Assistant Engineer was made against the provisions of law, hence, none of them was qualified to be promoted as Deputy General Manager.

11. The petitioner has also contended that there is a Govt. Order No. 967/XIII(II)2012-36(01) dated 13.12.2012, issued by the Principal Secretary, State of Uttarakhand, wherein, it has been clarified that as per the Uttarakhand Seniority Rules, 2002, the services, as rendered in the parent State, shall not be considered for promotion and seniority in the State of Uttarakhand. One Sri S.C. Pandey, who was promoted to the post of Assistant Engineer from the post of Junior Engineer, and his promotion, was challenged in a writ petition before the Hon'ble High Court, after which, Sri Pandey was demoted to his original position vide order dated 29.05.2018 interpreting the G.O. dated 13.12.2012 against him (Annexure: 12). But the same G.O. dated 13.12.2012 has been differently interpreted and was not applied in case of private respondents and petitioner. It is also contended that while taking the cognizance of the Seniority Rules, 2002 and G.O. dated 13.12.2012, prior services of Sri S.C. Pandey, was not counted, but for the private respondents of this petition, services in their prior State, have been wrongly counted.

12. On the basis of development during pendency of petition, a new cause of action, accrued to the petitioner hence, the petition was amended and it has been contended that on similar analogy, promotion and seniority of the private respondents needs to be decided accordingly. It is also contended that the private respondents No. 3 & 4 have worked for a long period as Junior Engineer under the petitioner and they are mere diploma holders, whereas, the petitioner is a degree

holder and he had served on the post of Assistant Engineer for more than 23 years.

13. The services rendered by the private respondents, in the different department of different State were counted for the purpose of seniority and promotion against the G.O. dated 13.12.2012 and the Seniority Rules of 2002. The petitioner is claiming the relief by way of this petition, on the ground that the respondent department cannot be permitted to apply the G.O. dated 13.12.2012 in different manner, in respect of similarly situated persons of two sets of employees.

14. In the same institution, Junior Engineer, Sri S.C.Pandey was rightly denied the benefit of past services, rendered by him, in view of the G.O. dated 13.12.2012, whereas, in case of private respondents, their past services before absorption were counted, for the purpose of seniority and they were promoted as Assistant Engineer from the post of Junior Engineer, without completing the required experience of 10 years service in Junior Engineer cadre.

15. In the claim petition, the petitioner has also contended that services rendered by him, prior to his regularization in 2012, should be counted, because in the year 2002, services of the non-technical staff were regularized, hence, petitioner is claiming the benefit of regularization on that basis from the year 2002. The action of the respondent department for not applying the G.O. in the case of the private respondents is an act of providing undue benefit to other employees i.e. the private respondents.

16. During pendency of the petition, the respondents No. 4 was promoted, although temporarily, to the post of Deputy General Manager and the representation of the petitioner was wrongly rejected, without considering the G.O. dated 13.12.2012, hence, the prayer has also been added by way of amendment, to set aside the promotion order of respondent No. 4 dated 03.07.2018 and the order

of the department dated 04.07.2018, rejecting the representation of the petitioner and to consider his representation, afresh, in accordance with law.

17. The petition has been opposed by the private respondents as well as respondent department. Private respondents have raised the question of limitation as well as joining of plural reliefs. It has been contended that that the petitioner became the member of services in Uttarakhand only in March 2012 whereas, private respondents were regular employees and promoted in the year 2004 and 2006 as Assistant Engineer, hence, their promotion cannot be challenged now and the relief added by way of amendment, are based on separate cause of action, on account of the disposal of his representation, hence, it cannot be joined in this petition.

18. It is also contended that the petitioner cannot challenge the appointment and promotion of the private respondents as Assistant Engineer, as he was not borne in the services at that time and the claim petition amounts to abuse of the process of the court, as the petitioner has suppressed and concealed the material fact from this court. The regularization of the petitioner was not as per law and the G.O. 13.12.2012 cannot be interpreted in the manner, as contended by the petitioner. The deputation and absorption of the private respondents was in accordance with law and the petitioner, whose services were declared illegal by the Hon'ble Apex Court, has no right to challenge the absorption and promotion of the petitioner and cannot claim seniority and promotion at par with the private respondents.

19. The respondent department also opposed the petition on the ground that the petitioner was engaged only on work charge basis as temporary employee in 1996 and as per the judgment of the Hon'ble Apex Court, the services of the five Engineers (including petitioner) were declared void and illegal. Despite the communication of the

judgment to the Uttarakhand State, the petitioner continued to work in the office of Deputy Director (Construction Division), Haldwani. It has also been contended that the petitioner was regularized on 20.3.2012, after 10 years of service on temporary basis whereas, private respondents were promoted as per the concerned G.O. The respondent department also contended that the services of the petitioner were regularized only on 21.04.2018, when the inquiry about his regularization was finalized and the petitioner cannot equate his case with private respondents and cannot claim seniority, on the basis of temporary engagement. The petition deserves to be dismissed.

20. Rejoinder affidavit was also filed by the petitioner, reiterating the averments, made in the claim petition and it was specifically contended that his regularization was made on 20.03.2012 and not in 2018 and he became qualified for promotion as Deputy General Manager before the private respondents. Furthermore, private respondents cannot be held senior to him because as per rules, they were not eligible for promotion as Assistant Engineer, before the date of regularization of the petitioner and their past services cannot be counted for giving them seniority and promotion.

21. We have heard both the sides and perused the record.

22. Against the petitioner, respondents have raised some technical points. It has also been argued that the promotion/absorption order of the private respondents and challenging the order of seniority, issued on 30.01.2015, is barred by limitation; the petitioner has contended that he submitted his representation for promotion to the post of Deputy General Manager, and without deciding his representation, the promotion order of private respondents was passed, during the pendency of the petition.

23. The crux of the matter for decision is, whether the past services of the employees in other State, before their

absorption/regularization in the State of Uttarakhand, can be counted for the purpose of promotion and seniority, in view of the Seniority Rules, 2002 and Government Order dated 13.12.2012 (Annexure: 12).

24. The petitioner has contended that after filing of a writ petition against other similarly situated Engineer of the Department, Sri S.C. Pandey, Assistant Engineer, the government by applying the G.O. dated 13.12.2012, refused to count his past services, before his regularization/absorption, and he was demoted vide order dated 29.05.2018 whereas, the same G.O. was interpreted differently in the case of the petitioner and his request was not accepted, hence, the cause of action arose on account of such activities of the respondent department.

25. We agree with the argument of the petitioner because of the reasons that the crux of the matter to be decided in this petition is, whether the services of the private respondents, who were employees of the State of Uttar Pradesh and State of Arunachal Pradesh, before their absorption in State of Uttarakhand in 2002 and 2004 respectively, can be counted and can be treated as their substantive appointment in Uttarakhand, as per the relevant law.

26. As per the Seniority Rules of 2002, the length of service, for promotion can be counted from the date of their substantive appointment and if an employee of other State, is absorbed in the cadre, their substantive appointment in that cadre, shall be deemed to be made from that date. Hence, in this respect, the private respondent No. 3, who was admittedly, absorbed in the cadre in Uttarakhand on 03.05.2002 (Annexure: R-6) and Sri B.P.Joshi, respondent No. 4 was absorbed in the cadre on 30.10.2004, their substantive appointment as Junior Engineer in Uttarakhand, shall be deemed to be made on such date. Both the employees were not the employee of the similar corresponding department in the State of U.P., as respondent no. 3,

A.K.Mishra, was an employee of U.P. Awas Vikas Parishad and Sri B.P.Joshi was an employee of the State of Arunachal Pradesh. Their services cannot be said to be transferred and bifurcated to the newly created State of Uttarkahand, in view of the U.P. Reorganization Act, but they were given fresh appointment after their absorption in the State of Uttarkahand by the order, passed on above respective dates. Furthermore, the G.O. dated 13.12.2012 (Annexure: 8) clarifies that the past services in the former State cannot be counted for length of service in the cadre neither for seniority nor for promotion after their absorption, unless specifically provided for. The G.O. dated specifically provides for not to count such services.

27. Furthermore, for the purpose of promotion and seniority, the length of service can be counted only from the date of substantive appointment in the department, as per the Seniority Rules of 2002. Interpreting the G.O. dated 13.12.2012, in the same way, other employee Sri S.C.Pandey, whose previous services were counted in the first instance for promoting him as Assistant Engineer, was later on denied such benefit and his past services were not taken into consideration. When, by the same department, the Seniority Rules, 2002 and the G.O. dated 13.12.2012 were rightly applied in one way, in the case of Sri S.C. Pandey, but, the same provision has been interpreted and applied differently in respect of other sets of employees i.e. in the case of the petitioner and private respondents, which is clear violation of the principles of natural justice.

28. The petitioner has submitted sufficient proof that the private respondents No. 3 & 4, who are diploma holders, have worked as Junior Engineer under the petitioner, although he was working in temporary capacity as Assistant Engineer. The petitioner has contended that the Rules for promotion from Junior Engineer to the post of Assistant Engineer and Assistant Engineer to Deputy General Manager are very specific. We have gone through the Rules, which is in Appendix-C of

the Services Rules of 1984. The relevant portion of the Appendix-C reads as under:-

“Assistant Engineer (Rs. 850-1720)	After at least 6 years of service	Deputy (Construction) Rs. 1250-2050	Director
Junior Engineer	After at least 10 years of service	Assistant Engineer (Rs. 850-1720)	
Computer (Rs. 550-940)	After at least 10 years of service subject to other condition of eligibility at prescribed in P.W.D. of the State Government	Assistant Engineer (Rs. 850-1720)”	

Hence, as per the Service Rules, a Junior Engineer can be promoted to the post of Assistant Engineer only after 10 years of service as Junior Engineer and Assistant Engineer can be promoted as Deputy General Manager only after completion of six years of service as Assistant Engineer.

29. The petitioner has contended that private respondents who were absorbed in the cadre of Junior Engineer on 03.05.2002 and 30.10.2004 could only be promoted to the post of Assistant Engineer after 02.05.2012 and 29.10.2014 respectively, but ignoring the rules, they were given promotion in 2004 and 2006, only after two years of their joining as Junior Engineer in Uttarakhand, which is against the rules and on that basis, they cannot claim seniority.

30. We agree with this argument because of the reasons that private respondents were not eligible to be promoted as Assistant Engineer before 02.05.2012 and 29.10.2014 and their past services rendered in the State of U.P. and State of Arunachal Pradesh, cannot be taken into consideration for ‘qualifying service of 10 years as Junior Engineer’ in Uttarakhand

31. The respondents have argued that their absorption and promotion as Assistant Engineer cannot be challenged now by the

petitioner. It has been contended that on that basis, they have been granted seniority and the seniority cannot be challenged now.

32. We find that very promotion of private respondents from Junior Engineer to Assistant Engineer was against the provisions of law and something, which is against the law, has no meaning and the plea of bar by limitation cannot help the private respondents, because they were not eligible in law, to be considered for promotion before completion of 10 years of their service on the post of Junior Engineer and then could be promoted only after that eligibility period. It is also clear that no relaxation in the criteria was legally granted. Hence, in this manner, respondent no. 3 cannot claim seniority in the cadre of Assistant Engineer before 02.05.2012 and respondent No. 4 before 29.10.2014, because, petitioner was regularized and absorbed in the cadre on 20.03.2012, approximately two months prior to the eligibility acquiring date of private respondent No. 3 for Assistant Engineer. In this manner, the petitioner stands senior to the private respondents as per the provisions of law. The action of the respondent/department, is not as per the law, and it cannot be held valid and legal.

33. Respondents have raised the plea that the petitioner has sought plural reliefs in his petition against the Procedural Rules. We do not find any such bar because of the reasons that other reliefs, which were referred as barred, they were added by way of amendment, which was necessitated on account of the action of the respondent department, during the pendency of the petition, hence, they are consequential relief against the action of the respondent and are relevant to the final prayer. On that basis, the petition cannot be held to be barred by any such procedural defects.

34. Respondents have specifically raised the question that the initial appointment of the petitioner was held void by the Hon'ble Apex Court, hence, he cannot claim any relief now. We do not agree with this

argument because of the reasons that now that question of legality of regularization of the petitioner in the State of Uttarakhand on 20.03.2012, is not before us. When, the petitioner was regularized by the State of Uttarakhand on the post of Assistant Engineer on 20.03.2012 hence, his previous status cannot be looked up by this Court now and he shall be treated to be appointed directly on the post of Assistant Engineer w.e.f. 20.03.2012 and such date falls prior to May 2012 i.e. the eligibility completion date of the private respondents for the post of Assistant Engineer.

35. Hence, in all circumstances, the respondents cannot be given seniority above the petitioner, because the petitioner was eligible and absorbed/ appointed in Uttarakhand cadre, in March, 2012, prior to the eligibility date of private respondents in May, 2012 and October, 2014 and their promotion on the post of Assistant Engineer in the year 2004 and 2006 cannot be held good as per the provisions of law, because of the reasons that they were not having minimum qualification and eligibility, for promotion as Assistant Engineer at that time. As they acquire such eligibility only after May, 2012 and October, 2014. Hence, objections of the respondents in this respect, cannot be accepted and court cannot go into the validity of the regularization of services of the petitioner on 20.03.2012 and all the proceedings, prior to this appointment of petitioner, as Assistant Engineer, are irrelevant for the decision of this petition.

36. Hence, on the basis of the above discussion, we are of the view that like the case of Sri S.C. Pandey, Junior Engineer in the same department, the services of the private respondents in their previous department in the State of U.P. and the State of Arunachal Pradesh, prior to their absorption in the State of Uttarakhand, cannot be counted for giving promotion and seniority. The respondent department has acted discriminately, while interpreting the seniority Rules of 2002 and G.O. dated 13.12.2012 *in case of* petitioner *vis-à-vis* Sri S.C.Pandey's

matter. Such conduct of the respondents No. 1 & 2 is discriminatory in nature and is against the principles of natural justice, giving undue favour to private respondents.

37. Court is also of the view that by the illegal and wrong action of the respondent department, petitioner cannot be deprived from his legal rights, accrued to him under the Rules. The private respondents, without completion of 10 years of service as Junior Engineer in Uttarakhand, cannot claim seniority above the petitioner in the Assistant Engineer cadre because of the reasons that their promotion from Junior Engineer to Assistant Engineer in 2004 and 2006, cannot be held valid and it can be made effective only after May 2012 and October, 2014.

38. The petitioner's contention for counting his services as Assistant Engineer and treating his regularization w.e.f. 2002, also, cannot be accepted and his substantive appointment in the cadre of Assistant Engineer shall be deemed to be made w.e.f. 20.03. 2012 and not from 2018, as alleged by the respondents, because in 2018, the regularization of services done in 2012 was upheld by the Enquiry Officer and by such report of the Enquiry Officer, submitted in 2018, regularization of services of petitioner as Assistant Engineer was held good w.e.f. 20.03.2012.

39. Learned counsel for the respondents has also argued that initially in the petition, a prayer was made to consider and decide the representations dated 24.06.2017 and 08.06.2018, submitted by the petitioner and such representation has already been decided on 04.07.2018 for which, he is having a separate cause of action and he cannot pursue and amalgamate such relief now with this petition.

40. We do not agree with the argument of the respondents because of the reasons that petition was filed on 28.06.2018 and by that date neither the respondent no. 4 was promoted temporarily nor the

representation of the petitioner was decided. The order of the promotion of respondent no. 4 was made on 03.07.2018 and representation of the petitioner was decided on 04.07.2018 after filing of this petition. Hence, any action of the respondent during pendency of the petition, can be challenged in this petition by way of amendment and amended relief can be sought accordingly. We are of the view that once the seniority list and other action of the respondent department was under challenge, the order of promotion of private respondent, Mr. B.P. Joshi to the post of Deputy General Manager, made on 03.07.2018 in a haste manner, became subject to the decision of court. The representation of the petitioner was decided and dismissed vide order dated 04.07.2018, after the promotion of private respondent, without considering the G.O. dated 13.12.2012.

41. The record also reveals that applying the G.O. No. 967/XIII(II)2012-36(01) dated 13.12.2012, the service period of one Sri S.C.Pandey, in his parent department was ordered, not to be counted for the services in Uttarakhand and accordingly, the seniority list was amended by the respondent department vide order dated 29.05.2018. It is very strange that when in May 2018, the respondent department applied the G.O. dated 13.12.2012 for not counting prior services of a similarly situated employees, but very surprisingly, they rejected the claim of other employee i.e. petitioner, not to count prior services of private respondents and after two months of the order in Sri S.C.Pandey's matter on 29.05.2018, the representation of the petitioner was dismissed on 04.07.2018, which shows that the conduct of the respondent department has been very discriminatory and they were applying the same G.O. in one way in the case of Sri S.C.Pandey, whereas, for the private respondents, the G.O. was applied in different way, against the petitioner.

42. The relief (B) of the petition was to consider and decide his representation, in view of the G.O. dated 13.12.2012 was made before

this court on 29.06.2018 whereas, the order dated 04.07.2018, deciding the representation of the petitioner was made thereafter, hence, order dated 04.07.2018 needs to be set aside, with a further direction to the respondents No. 1 & 2 to reconsider the representation of the petitioner afresh accordingly.

43. Hence, petition succeeds and petitioner is entitled for the relief regarding the seniority, the promotion order of private respondents, issued in 2004 and 2006 as Assistant Engineer, cancellation of promotion of the private respondent to the post of Deputy General Manager and to reconsider and decide the representations of the petitioner for considering him for the promotional post. Hence, the following order is hereby passed.

ORDER

The claim petition is hereby allowed. The promotion order dated 12.08.2004 and 12.09.2006 (Annexure: 13 and 14) issued in favour of the private respondents No. 3 & 4, the promotion order dated 03.07.2018 of Sri B.P.Joshi (respondent No. 4) to the post of Deputy General Manager, the seniority list dated 30.01.2015 (Annexure: 9), and order dated 04.07.2018, dismissing the representation of the petitioner by the respondent No.2, are hereby quashed and set aside.

Respondents No. 1 & 2 are directed to amend the promotion order of private respondents No. 3 & 4 for the post of Assistant Engineer in conformity with the law and to prepare a fresh seniority list of petitioner and other employees on the post of Assistant Engineer, as per the provisions of law and in view of the observation made in the body of the judgment.

Setting aside the promotion order of private respondent no. 4 to the post Deputy General Manager, dated 03.07.2018, it is hereby directed that the representations of the petitioner dated 24.06.2017 and 08.06.2018 should be reconsidered and decided, in view of the

G.O. dated 13.12.2012 and the concerned Seniority Rules, 2002 afresh. The case of the petitioner for promotion to the next post, be considered along with other employees, in accordance with their seniority, settled afresh, within a period of six months from today.

No order as to costs.

(A.S.NAYAL)
MEMBER (A)

(RAM SINGH)
VICE CHAIRMAN (J)

DATED: APRIL 27, 2019
DEHRADUN
KNP