

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

**Through Audio Conferencing**

**ORDERS**

**ON**

**Admission and Interim Relief**

**[ In Claim Petition No. 97/DB/2020 ]**

Chanchal Sharma & others      **vs.**      State of Uttarakhand and others.

Present: Sri L.K.Maithani, Advocate, for the petitioners.  
Sri V.P.Devrani, A.P.O., for Respondents No. 1 to 3.  
Dr. N.K.Pant, Advocate, for Respondents No. 4 to 56.

**DATED: DECEMBER 01, 2020**

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

By means of present claim petition, Petitioners seek the following reliefs:

- a. To quash the impugned seniority list dated 29.04.2020 up to the extent where it relates to the seniority of the private respondents.
- b. To declare that prior to the promulgation of Rules, “The Uttarakhand Police Inspector and Inspector (Civil Police/ Intelligence) Service Rules, 2018”, the post of Sub Inspector, Intelligence was the part of Civil Police and formed a single feeding cadre under the old Rules and Regulations, therefore, under the Rule 5 of the Seniority Rules, 2002 and provisions of G.O. dated 23.09.2004, the determination of seniority of the petitioners and private respondents on the post of Sub Inspector be made on the basis of merit (Marks obtained) of the exam/ selection and accordingly, redraw the fresh seniority list of Inspector cadre and after giving the benefit of the explanations of Rule 6, determine the seniority of petitioners *viz-a-viz* private respondents no. 4 to 43.

2. Heard.

3. Admit.

4. Ld. A.P.O., as also Ld. Counsel for private respondents, pray for and are granted 8 weeks' time to file C.A./W.S. on behalf of the respondents, which they are representing.

5. List soon after re-opening of the Court after Winter Vacation, on 22.02.2021.

6. Interim relief\_ has been sought by the petitioners for directing Respondents No. 2 & 3 for not holding any DPC for the post of Dy.S.P. till the disposal of present claim petition.

7. Objections have been filed by Ld. A.P.O. Ld. Counsel for the private respondents vehemently opposed interim relief by arguing that there is no *prima facie* case in favour of the petitioners, and therefore, they are not entitled to any relief.

8. Ld. A.P.O. contended, among others things, that there is no *prima facie* case in favour of the petitioners and the claim petition is unlikely to succeed. According to Ld. A.P.O., in Uttarakhand Police Department, Civil Police and Intelligence are separate cadres. After formation of the State, promotion process in these wings was initiated separately by calculating cadre-wise vacancies of Inspectors in respective cadres. Criteria has been prescribed for promotion to the post of Inspector Civil Police/ Intelligence *vide* notifications dated 23.09.2004 and 15.12.2006. A description of these notifications has been given in objections filed in the affidavit of Sri Beeru Lal Tamta, Dy.S.P. (M)/Budget Police Headquarters, Uttarakhand. Further, the promotions in Civil Police, Intelligence and PAC cadre on the post of Inspector Civil Police/Inspector Intelligence/ Company Commander have not been done purely on the basis of seniority. The promotion process has been carried out on the basis of seniority-cum-merit *vide* Govt. orders dated 23.09.2004, 15.12.2006 and 26.04.2006. Petitioners are employees of Civil Police cadre, due to which their names have not been included in the promotion process in the

Intelligence and PAC cadre. There is no justification for the petitioners to file claim petition against the promotion process for the post of Inspector Intelligence and *Dal Nayak* (Company Commander) in the Intelligence and PAC cadre.

9. It may be noted here that two other claim petitions, one being Claim Petition No. 25/DB/2020, Sandeep Negi and others vs. State and others and another being Claim Petition No. 80/DB/2020, Rajendra Singh Rawat & others vs. State & others, were filed before this Tribunal in respect of same promotional exercise and for almost identical reliefs, although Ld. Counsel for the petitioners would disagree to it.

10. In Claim petition No. 25/DB/2020, Sandeep Negi and others vs. State and others, the interim relief application of the petitioners was disposed of by this Tribunal on 18.08.2020, as follows:

“ .....

Ld. A.P.O., on seeking instructions from the respondent department, submitted that promotional exercise for the post of Dy. S.P. is being undertaken by Police Headquarters. Both Sri Shashank Pandey, Ld. Counsel for the petitioners and Dr. N.K. Pant, Ld. Counsel for Respondents No. 4 to 17, agree that the such promotional exercise shall be subject to the final outcome of present claim petition.

It is, accordingly, directed that the promotional exercise for the post of Dy. S.P. shall be subject to final decision of present claim petition.

.....”

11. Likewise, in Claim Petition No. 80/DB/2020, Rajendra Singh Rawat & others vs. State & others, the interim relief application was disposed of on 10.11.2020, by directing that the promotional exercise for the post of Dy. S.Ps. shall be subject to final decision of the claim petition.

12. Should this Tribunal, therefore, pass different orders in different claim petitions, when the nature of principal relief, in all the claim petitions, is almost identical and interim relief has been sought in respect of the same promotional exercise? The reply is obvious that the Tribunal should pass similar orders in similar cases in which same selection process is under challenge.

13. Interim relief application is, accordingly, disposed of by directing that the promotional exercise for the post of Dy. S.Ps. shall be subject to final decision of present claim petition.

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

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

*DATE: DECEMBER 01, 2020*  
*DEHRADUN*

*VM*