

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

Through audio conferencing

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 06/NB/DB/2019

1. Hem Chandra Bhatt, s/o Sri Devi Dutt Bhatt, presently serving as Heard Assistant, in the office of Uttarakhand Forest Development Corporation, Nandhaur Mining Division, Haldwani, District Nainital.
2. Hem Chandra Tiwari, s/o Sri Nanda Ballabh Tiwari, presently serving as Head Assistant, in the office of Divisional Logging Manager, Uttarakkhand Forest Development Corporation, Nainital.
3. Mahesh Chandra Tiwari, s/o Sri Chandra Dutt Tiwari, presently serving as Head Assistant, in the office of Divisional Logging Manager (Central), Uttarakhand Forest Development Corporation, Haldwani, District Nainital.
4. Jagdish Chandra Lohani, s/o Sri Daya Kishan Lohani, presently serving as Head Assistant, in the office of Divisional Logging Manager (East), Uttarakhand Forest Development Corporation, Haldwani, District Nainital.

.....Petitioners

vs.

1. Uttarakhand Forest Development Corporation, Aranyan Vikas Bhawan, 73- Nehru Road, Dehradun through its Managing Director.
2. Sri Kali Ram, s/o Sri Jami Lal, presently serving as Head Assistant, in the office of Uttarakhand Forest Development Corporation, Head Office, Aranyan Vikas Bhawan, 73- Nehru Road, Dehradun (Since diseased).
3. State of Uttarakhand through Secretary, Forest and Environment Department, Govt. of Uttarakhand, Dehradun.

.....Respondents

Present: Sri Bhagwat Mehra, Advocate for the Petitioners.

Sri Kishor Kumar, A.P.O., for the Respondents No. 1 & 3

JUDGMENT**DATED: SEPTEMBER 28, 2021****Justice U.C.Dhyani (Oral)**

When present claim petition was filed, the petitioners sought the following reliefs:

- A. *To set aside the impugned letter dated 06.08.2018 and office memo dated 28.04.2018 issued by Respondent no. 1 (Annexures no. A1 and A2 respectively to Compilation-I).*
- B. *To direct the Respondent No.1 to prepare the seniority list of the personnel serving on the posts of Head Assistant, afresh on the basis of the petitioners substantive appointment on the post of Assistant Grade-III w.e.f. August 1986.*
- C. *To direct the Respondent No.1 to consider and promote the petitioners to the post of Administrative Officer from due date i.e. when the persons junior to them were/are promoted to the said post, and also to grant all consequential benefits.*
- D. *To issue any other order or direction, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.*
- E. *Award the cost of the claim petition in favour of the petitioners.*

2. The order sheet dated 22.09.2020 of present claim petition indicates that Sri Manoj Shah, learned Counsel for the Respondent No. 2 (Sri Kali Ram) had informed the Bench that his client has died.

3. Today, Sri Bhagwat Mehra, learned Counsel for the petitioner submitted that the dispute, in this claim petition, was of *inter-se* seniority between the petitioners and Respondent no. 2, who has since died, therefore, no useful purpose will be served by proceeding further.

4. Since the question of *inter-se* seniority does not survive any more, therefore, the claim petition has rendered infructuous. The same is, accordingly, closed as infructuous.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: SEPTEMBER 28, 2021

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