

**UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
DEHRADUN BENCH AT NAINITAL**

Claim Petition No. **14/N.B./D.B./2013**

1. Constable 43 CP Madan Singh, S/o Man Singh, posted at P.S. Kapkot District Bageshwar.
2. Constable 65 CP Ganesh Singh, S/o Daulat Singh, posted at P.S. Kapkot, District Bageshwar.
3. Constable 55 CP Shekhar Singh, S/o Umed Singh, posted at P.S. Kapkot, District Bageshwar.
4. Constable 42 CP Naresh Singh, S/o Diwan Singh, posted at P.S. Kotwali Bageshwar, District Bageshwar.
5. Constable 56 CP Dinesh Singh Kanyal, S/o Madho Singh, posted at P.S. Jhiroli, District Bageshwar.
6. Constable 37 CP Vidya Sagar, S/o Ram Datt, posted at P.S. Baijnath, District Bageshwar.
7. Constable Driver Manoj Kumar, S/o Bishan Singh, posted at Police Line Bageshwar, District Bageshwar.
8. Constable 132 CP Dharmendra Kumar, S/o Lachi Ram, posted at P.S. Salt, District Almora.
9. Constable 57 CP Jagdish Singh, S/o Ram Singh, posted at P.S. Kotwali Bageshwar, District Bageshwar.
10. Constable 73 CP Harish Chandra, S/o Late Hajari Lal, posted at P.S. Gadarpur, District Udham Singh Nagar.
11. Constable LIU Laxman Singh, S/o Amar Singh, posted at Local Intelligence Unit, Almora.

12. Constable 402 CP Kamal Kishore, S/o Dharmanand, posted at Kotwali Pithoragarh, District Pithoragarh.
13. Constable 9 CP Lalit Ram, S/o Kedar Ram, posted at P.S. Thal, District Pithoragarh.
14. Constable 678 CP Anand Singh, S/o Shiv Singh, posted at P.S. GRP Kathgodam, District Almora.
15. Constable 510 Prem Singh, S/o Uday Singh, posted at SP Haldwani, District Nainital.
16. Constable 4AP Baljeet Singh Rana, S/o Sri Sheetal Singh Rana, posted at Police Line Nainital, District Nainital.
17. Constable 106 CP Dhyan Singh, posted at P.S. Ramnagar, District Nainital.
18. Constable 22 CP Madhav, S/o Chandra Singh, posted at P.S. Kichchha, Udham Singh Nagar.
19. Constable 58 CP Rajesh Kumar, S/o Keshav Ram, posted at P.S. Vanbasa, District Champawat.

..... Petitioners

Versus

1. State of Uttarakhand, through Secretary, Home, Government of Uttarakhand, Dehradun.
2. Director General of Police, State of Uttarakhand, Dehradun.
3. Deputy Inspector General of Police, Kumaun Region, Nainital.
4. Superintendent of Police, Pithoragarh, District Pithoragarh.
5. State of Uttar Pradesh, through Secretary, Home, Uttar Pradesh Government, Lucknow.
6. Director General of Police, Uttar Pradesh, Lucknow.

..... Respondents

Coram: **Hon'ble Justice J. C. S. Rawat**

..... **Chairman**

**&**

**Hon'ble Sri U. D. Chaube**

..... **Member (A)**

Present : Sri D. S. Mehta, Advocate for the petitioners.

Sri V. P. Devrani, A.P.O. for the respondent nos. 1 to 4

Ex-parte order against the respondent nos. 5 & 6

on 12.11.2014.

### **JUDGMENT**

DATED: - **18-12-2014**

#### **Justice J.C.S. Rawat (Oral)**

This petition has been filed by the petitioners for seeking the following relief :-

- “(a) In view of the facts and grounds as mentioned above, the applicant prays that this Hon'ble Tribunal may graciously be pleased to direct the respondents to treat the petitioners to be appointed in the year 1998 and to reckon the seniority of the petitioners w. e. f. 1998 i.e. the recruitment year in which the petitioners were selected to be appointed as Constable and the benefit of said seniority be extended to petitioners for all purposes including promotions as has been given to the similarly situated candidates who were selected through same selection process in year 1998 and selected by list.
- b) To issue any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- c) Award cost of the petition.”

2. The petitioners have alleged in the Paragraph Nos. 20 & 21 of the claim petition as under:-

“20. The petitioner moved continuous representation agitating their grievances but the respondents did not pay and heed to the said representations.

21. When no heed was paid on aforesaid representations petitioners again moved several representations before the respondent authorities praying therein to reckon their seniority w. e. f. 1998 treating them to be appointed in year 1998 and the said seniority be given to the petitioners for all purposes including seniority.”

3. In the supplementary counter affidavit of the respondents, it has been alleged in para-1 as under:-

“यह कि मा0 राज्य लोक सेवा अधिकरण के आदेशानुसार जनपद पिथौरागढ़ में नियुक्त आरक्षियों की वरिष्ठता सूची मा0 अधिकरण में दाखिल किये जाने के संदर्भ में अवगत कराना है कि जनपद स्तर पर आरक्षियों की वरिष्ठता सूची तैयार नहीं की जाती है तथा राज्य स्तर पर भी आरक्षियों का नियतन काफी बड़ा होने के कारण सामान्य तौर पर आरक्षियों की वरिष्ठता सूची तैयार नहीं की जाती है। वरिष्ठता के आधार पर हेड कान्स के पद पर पदोन्नति के दौरान आरक्षियों की वरिष्ठता सूची तैयार की जाती है जिसमें आरक्षी की भर्ती तिथि, भर्ती तिथि समान होने पर जन्म तिथि एवं भर्ती तिथि एवं जन्म तिथि समान होने पर आरक्षी द्वारा आरटीसी में प्राप्त किये गये अंकों को वरिष्ठता का आधार बनाया जाता है। अपर पुलिस अधीक्षक कार्मिक उत्तराखण्ड पुलिस मुख्यालय देहरादून का पत्रांक—डीजी—सात—7/2013 (6) दिनांक 25.06.2014 संलग्नक—01 के रूप में संलग्न है।”

4. In reply to the above, in Additional R.A. they have stated in para 2 as under:-

“2. Earlier the respondent counsel have taken the time for producing the seniority list of the Police Constables from the Tribunal but they have not filed any seniority list and stated that the seniority list of the Constables is being prepared only at the time of the promotion on the post of Head Constables. This contention of the respondents is not admitted because earlier numbers of the Constables already promoted on the post of Head Constable who are recruited by the same recruitment process.”

5. While in the claim petition respondents have taken a stand that the seniority of the petitioners would reckon from 2000 when they have joined in the Uttarakhand State Police and now, the respondents have alleged in Para 1 of the Additional C.A. that when the Tribunal summoned the seniority list from the respondents, the respondents have stated that no seniority list has been prepared by the respondents. Again, the learned counsel for the petitioners contended that they have not fixed the seniority. In these circumstances, it would be in the interest of justice and it would be expedient that the petitioners be directed to file a fresh representation within a period of six weeks from the date of judgment. The petitioners will file the said representation alongwith the copy of the order of the Tribunal. The respondents will determine and fix the seniority of the petitioners, vis-à-vis, other Constables within a period of 3 months from the receipt of the representation; the respondents will prepare a final seniority list and; publish the seniority list according to rules. The learned counsel further requested that he may be permitted to withdraw his petition if Court directs the respondents to fix the seniority of the petitioners' vis-à-vis other Constables appointed during with them

within the stipulated period. He further prayed that they may be given liberty to file a fresh claim petition if their representation is rejected or they are not given the correct seniority. The petitioners are permitted to withdraw the petition with above liberty.

Sd/-

**U.D. Chaube**  
**Member (A)**

B.K.

Sd/-

**Justice J.C.S. Rawat**  
**Chairman**

**DATED: - 18-12-2014**