

Claim Petition No. 30/NB/DB/2022
Shobhit Kumar Chauhan & others
Vs.
State of Uttarakhand & others

Dated: 30.06.2022

(Through audio conferencing)

Present: Sri Bhagwat Mehra, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondents

Learned A.P.O. has filed C.A/W.S. on behalf of respondent no. 2, which is taken on record.

The position of service on the private respondents is not yet clear. The same may be clarified by the HOD through affidavit on the next date fixed.

Learned Counsel for the petitioner is pressing for interim relief on the ground that the promotions are going to be made on the basis of the impugned seniority list and according to him relaxation in qualifying service has been given to the top 21 persons of this seniority list, which indicates that the promotions are going to be made very soon. Learned A.P.O. states that the promotional exercise, if any, made on the basis of the impugned seniority list shall be subject to the final outcome of the claim petition. Learned Counsel for the petitioner states that this shall defeat the purpose of filing the claim petition and the opportunity of the petitioners for getting promotion will be lost for many years, if promotions are made on the basis of the impugned seniority list. His prayer is that the result of the promotions, if any, which are made on the basis of the impugned seniority list be not declared till the next date of listing.

The Tribunal, in the present circumstances and peculiar facts of this case, finds it reasonable to order that the result of promotional exercise, if any, based on the impugned seniority list shall not be declared till the next date of listing.

List on 13.07.2022 for further orders. By this date, the affidavit about service through HOD on the private respondents may be filed on behalf of the HOD. R.A. to the Counter Affidavit filed by learned A.P.O. may also be filed on behalf of the petitioner.

Let a copy of this order be given to learned Counsel for the parties by tomorrow.

RAJEEV GUPTA
VICE CHAIRMAN (A)

KNP

JUSTICE U.C.DHYANI
CHAIRMAN
at Nainital