

**UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

Claim Petition No. 09/NB/DB/2013

Ramesh Chandra, S/o Shri Sundar Lal,
Presently posted as In-Charge, Divisional Forest Officer,
Additional Soil Conservation Forest Division,
Ramnagar, District Nainital

.....Petitioner

Versus

1. State of Uttarakhand through Principal Secretary in the
Department of Forest, Dehradun.
2. Principal Chief Conservator of Forest,
State of Uttarakhand, 85, Rajpur Road, Dehradun.
3. Divakar Sinha, presently posted as In-Charge, Divisional
Forest Officer, Chakrauta Forest Division, Kalsi, District
Dehradun

.....Respondents

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

..... **Chairman**

&

Hon'ble Sri U. D. Chaube

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

Present: Sri Rajesh Joshi, Advocate for the petitioner.
Sri V.P. Devrani, Advocate for the respondent
nos. 1 & 2
None for interveners & the respondent no. 3

ORDER**DATE: 02-06-2014****Justice J. C. S. Rawat (Oral)**

The petitioner has filed an application bearing No. 48/9/NB/DB/2013/dated 26.5.2014 with the prayer that he may be permitted to the applicant to withdraw this claim petition and also permitted to file a fresh claim petition in case any cause of action arises in near future. The said application is opposed on behalf of the learned A.P.O. appearing for the respondent nos. 1 & 2. The private respondents are not present before this Tribunal. Initially, the petitioner filed a Writ Petition No. 125 (S/B) of 2013 Ramesh Chandra Vs. State of Uttarakhand & others before the Hon'ble High Court for the same prayer. The Division Bench comprising of Hon'ble Mr. Justice Barin Ghosh, C.J. and Hon'ble Mr. Justice V.K. Bisht on 22.04.2013 has passed the following order relegating the matter to the Tribunal:-

“The principal dispute in the writ petition pertains to seniority inter se the petitioner and the respondent no. 3. Such dispute is required to be sorted out, first, before the Public Services Tribunal, Uttarakhand.

2. With liberty of the petitioner to approach the Tribunal preserved, the writ petition is dismissed.

Sd/-

(V.K. Bisht, J.)
22.04.2013

Sd/-

(Barin Ghosh, C. J.)
22.04.2013”

Thereafter, the petitioner filed this claim petition before this Tribunal for seeking the following relief:-

“ I. to pass suitable orders, directing the respondents no. 1 and 2, to prepare a final seniority list of Assistant Conservator of Forest serving in the entire State of Uttarakhand,

II. to pass suitable orders, directing the respondents no. 1 and 2 to place the name of the petitioner prior to the name of the respondent no. 3 in the seniority list of Assistant Conservator of Forest, which may be prepared by the respondents no. 1 and 2,

III. to pass suitable orders, quashing the gradation list prepared by the respondent no. 2 dated 22-09-2011 (Annexure 13), by which the respondent no. 2 has shown the name of the petitioner after the name of the respondent no. 3 and he may be directed to correct the list by placing the name of the petitioner prior to the name of the respondent no. 3,

IV. to pass suitable orders, quashing the order dated 27-04-2012 (Annexure 15), passed by the respondent no. 1,

V. to pass suitable orders, quashing the order dated 20-02-2013 (Annexure 21), passed by the respondent no. 2, by which the name of the petitioner has been shown below the name of the respondent no. 3 in the list of the Assistant Conservator of Forest, who are deserving for the induction in Indian Forest Services in their order of seniority for the vacancy year of 2009 and the respondents be directed to correct the list accordingly and they may be further directed to place the name of the petitioner before the name of the respondent no. 3,

VI. to pass suitable orders, directing the respondents no. 1 and 2, not to send the names for the induction of officers belonging to Provincial Forest Services into Indian Forest Services, until and unless the seniority list is being prepared finally,

VII. Any other relief which this Hon'ble Court may deem fit and proper, may kindly be awarded in favour of the petitioner and against the respondents,

VIII. Award the cost of the petition in favour of the petitioner and against the respondents.”

Parties filed their counter and rejoinder affidavits and the matter was being taken up for arguments and arguments were also made at length. Parties were only enquired about certain legal points at the concluding stage and after making the queries by this Tribunal, the learned counsel for the petitioner filed an application before this Tribunal in which in para nos. 2, 3 & 4 of this application the petitioner has alleged:-

“2. That during the hearing of the case, the respondents counsel argue that till today no final seniority list has been issued and the claim petition of the applicant is premature in this stage.

3. That vide letter dated 18.11.2013 the department verify this fact, that in any case Ramesh Chandra will be senior to respondent no. 3 and further admitted that the final seniority list yet not be issue.

4. That since the final seniority list is still awaited and after the letter dated 18.11.2013 the petitioner in under the hope that the department will issue the seniority list as per the rule and regulation, as such petitioner does not want to press this claim petition and want to withdraw the same in this stage.”

Prayer of the petitioner is very clear that he seeks liberty to file a fresh claim petition in case any cause of action arises in near

future. In view of the above, it would be just and appropriate to permit the petitioner to withdraw this claim petition with the liberty to file a fresh claim petition before this Tribunal only. No orders as to costs.

Sd/-

U. D. Chaube
Member (A)

Sd/-

Justice J.C.S. Rawat
Chairman

Date: - 02-06-2014

B.K.