

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

Present: Hon'ble Mr. Rajendra Singh

----- Vice Chairman (J)

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 89/NB/DB/2021

1. Ramesh Singh S/o Sri Dalip Singh, Constable, 31 Battalion P.A.C. Rudrapur, District Udham Singh Nagar.
2. Sandeep Singh, S/o Sri Sundar Singh, Constable, 46 Battalion, P.A.C. Rudrapur, District Udham Singh Nagar.
3. Rohit Kandpal, S/o Sri Bharav Dutt, Constable, 46 Battalion, Rudrapur, District Udham Singh Nagar.
4. Dinesh Singh, S/o Sri Pan Singh, Constable, 46 Battalion, Rudrapur, District Udham Singh Nagar.

.....Petitioners

VERSUS

1. State of Uttarakhand, through Secretary, Home, Govt. of Uttarakhand at Dehradun.
2. Director General of Police, Uttarakhand, Police Headquarter, Dehradun.
3. Uttarakhand Subordinate Selection Commission Thana Road, Near Maharana Pratap Sports College, Raipur, Dehradun. Through its Secretary/Examination Controller, Dehradun-248001

.....Respondents

Present: Sri B. D. Upadhyay, Senior Advocate, assisted by
Sri Sunil Upadhyay, Advocate for the petitioners
Sri Kishore Kumar, A.P.O. for respondents No. 1 & 2
Dr. N. K Pant, Advocate for the respondent No. 3
(Online)

JUDGMENT

DATE: JUNE 21, 2023

HON'BLE MR. RAJEEV GUPTA, VICE CHAIRMAN (A) (Oral)

This claim petition has been filed seeking the following reliefs:-

- “1. To direct the respondents to make appointment on 77 posts of Platoon Commanders first and only thereafter to make appointments on the 237 posts of Head Constables in the P.A.C.
2. To direct the respondent No. 3 to issue a fresh merit list for the 237 posts of Head Constables after deleting the names of the candidates who have been selected for the posts of Platoon Commanders.”

2. Facts of the case in brief are that the respondents made appointments on 77 posts of Platoon Commanders and 237 posts of Head Constables in P.A.C. For both the selections, such Constables were eligible to participate in the respective departmental examinations who were less than 45 years of age on 01.07.2020 and who had completed 5 years of service in the Police Department by such date. As a result, apart from other selected candidates, about 30 Constables have been selected in both the selections and their names appear in both the selection lists.

3. The contention of the petitioners is that the posts of Platoon Commander should be filled first so that after joining of such Constables, who have been selected in both the selections, on the post of Platoon Commander, corresponding vacancies in the selection list of Head Constables shall be created, which may be filled by other candidates on the basis of their marks obtained in the same departmental examination. Such contention of the petitioners appears to be plausible. The learned Counsel for the petitioners also submitted that they had made a representation to the respondent department in this regard and the same is pending. Copy of such representation is placed at Annexure No. 6 to the claim petition and the same is undated and is not very clear.

4. We have heard learned Counsel for the parties. With the consent of the parties, the Tribunal hereby directs that the petitioners shall make a fresh detailed representation to the respondent No. 2 within a period of 15 days from today, who shall take suitable decision on the same within a period of one month thereafter, by passing a reasoned and speaking order.

5. With the above directions, the claim petition is disposed of. No order as to costs.

(RAJENDRA SINGH)
VICE CHAIRMAN (J)

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

DATE: JUNE 21, 2023

NAINITAL

BK