

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

Present: Hon'ble Mr. Rajendra Singh

----- Vice Chairman(J)

Hon'ble Mr. A.S.Rawat

-----Vice Chairman(A)

**CLAIM PETITION NO. 61/NB/DB/2023**

1. Rajendra Singh Rawat, aged about 36 years, S/o Shri Rudra Singh Rawat, presently posted as Lecturer Chemistry, Government Polytechnic, Ganai Gangoli, District Pithoragarh, Uttarakhand.
2. Jagjeet Singh Pundur, aged about 35 years, S/o Shri Kehar Singh, presently posted as Lecturer Chemistry, Government Polytechnic Sahiya, Dehradun, District Dehradun, Uttarakhand.
3. Bhawana Rawat, aged about 39 years, W/o Shri Manish Rawat, presently posted as Lecturer Chemistry, Government Polytechnic Narendranagar, Tehri Garhwal, Uttarakhand.
4. Bhawana Panwar, aged about 36 years, W/o Shri Arvind Singh, presently posted as Lecturer Math, Government Polytechnic Srinagar, Pauri Garhwal, Uttarakhand.
5. Shradha Parmar, aged about 40 years, W/o Shri Lokendra Pal Singh, presently posted as Lecturer Chemistry, Government Polytechnic, Uttarkashi, District Uttarkashi.
6. Shivani Dabral, aged about 35 years W/o Shri Kailash Awasthi, presently posted as Lecturer Chemistry, Government Polytechnic, Satpuli, Pauri Garhwal, Uttarakhand.
7. Ajbeer Singh Rawat, aged about 36 years, S/o Shri Hukum Singh, presently posted as Lecturer Chemistry, Government Polytechnic New Tehri, District Tehri Garhwal, Uttarakhand.
8. Deepika Rawat, aged about 38 years, W/o Shri Laxman Singh Rawat, presently posted as Lecturer Math, Government Polytechnic, Pauri, District Pauri Garhwal, Uttarakhand.
9. Pinki, aged about 32 years, W/o Shri Rakesh Kumar, presently posted as Lecturer Physics, Government Polytechnic, Sahiya, Dehradun, District Dehradun, Uttarakhand.
10. Tripti, aged about 34 years, W/o Shri Pawan Raturi, presently posted as Lecturer Physics, Government Polytechnic, Garishyampur, Dehradun, District Dehradun, Uttarakhand.

.....Petitioners

**Vs**

1. State of Uttarakhand through Secretary Technical Education Dehradun.
2. Director Technical Srinagar Garhwal. Education, Directorate, Srinagar, Garhwal.
3. Additional Director, Technical Education Directorate, Srinagar, Garhwal.
4. Neelam Singh Rawat w/o Vikas Chauhan, presently posted as Lecturer English (Govt. Polytechnic Vikasnagar, Dehradun.).
5. Chaman Singh S/o Sh. Kunwar, presently posted as Lecturer Physics (Harishchandra Govt. Polytechnic Haridwar).
6. Ashutosh Puri S/o Late S.P. Puri, presently posted as Lecturer Physics (Govt. Polytechnic Narendra Nagar Tehri Garhwal)
7. Neha Kharkwal D/o Charan Dutt presently posted as Lecturer Physics (Govt. Polytechnic, Khatima U.S. Nagar).
8. Manoj Singh S/o Sh. Sharat Singh, presently posted as Lecturer Maths (Govt. Polytechnic, Pokhri, Chamoli).
9. Shalini Sharma w/o Amit Kumar presently posted as Lecturer Maths (Govt. Girls polytechnic Almora).
10. Sheetal Mangain w/o Omprakash presently posted as Lecturer Maths (Govt. Polytechnic Kandikhal, Tehri Gharwal).

.....**Respondents**

.Present: Sri Rajesh S. Nagarkoti, Advocate for the petitioners  
Sri Kishore Kumar, A.P.O. for the respondents no. 1, 2 & 3  
Sri Abhishek Chamoli, Advocate for the respondents no. 4 to 10

### **JUDGMENT**

**DATED: OCTOBER 21, 2024**

By means of present claim petition, petitioners seek the following reliefs:

*“a. To quash the impugned joint seniority list dated 15.07.2022 as well as office order dated 15.07.2022 by which the objection against the tentative seniority list filed by the applicants has been rejected by the respondent authorities (annexure no.1 and 2) to this claim petition.*

*b. To direct the respondents to prepare fresh seniority list of lecturer basic science (Physics, Chemistry, Maths) for promotion on the post of Head of the Department in basic*

*science keeping in view the facts highlighted in body of the claim petition.*

*c. To pass and declare null and void the post of HOD Basic Science and Humanities as mention in appendix ka (5) of the Rule 23 (2) of Uttarakhand Technical Education Gazetted Officers Service (Amendment) Rules, 2020. (annexure no.3) to this claim petition.*

*d. To pass any order, writ or direction as this Hon'ble tribunal deem fit and proper."*

2. The petitioner had filed a writ petition no. 125 of 2023(S/B) "Ajbeer Singh Rawat and others Vs State of Uttarakhand and others" before Hon'ble High Court Uttarakhand, Nainital and Hon'ble High Court. The Hon'ble Court dismissed the writ petition with liberty to the applicants to approach the Uttarakhand Public Service Tribunal to seek the relief sought in the writ petition.

3. The facts of the case, in brief, are as follows:

3.1 The Petitioners/applicants are working as Lecturer (Basic Science) in different Polytechnic Colleges of the State of Uttarakhand since the year 2017.

3.2 The Uttarakhand Technical Education Gazetted Officers Rules, 2009 which notified on 17.12.2009. As per the appendix appended to the said rules the post of the Head of the Department is a 100% promotional post for the person serving substantively on the post of lecturer and who have completed five years service on the post of lecturer on the first day of the year recruitment. The criterion prescribed in the said rule is "Seniority, subject to rejection of unfit".

3.3 According to the Uttarakhand Technical Education Gazetted Officer service Rules, 2009, the post of Head of the department has been filled by promotion from the Lecturers cadre in the Basic Science and the Head of the department of humanities filled by promotion from the Lecturer (English). The State Government issued a letter dated 11.10.2010 in which it is mentioned that the Lecturers of subject Math., Physics and Chemistry are eligible for Head of department of Basic Science and 13 posts of the Head of the

Department had been proposed for the Basic Science and 03 posts for the Head of the Department of English.

3.4 The respondent department again issued a Government order dated 16.09.2013 by which the post of Head of the Department had been increased 96. In the website of Uttarakhand Government the strength of the Head of the Department of Basic Science mentioned 70 posts and for the Head of the Department of Humanities (English) mentioned 03 post.

3.5 That the respondent department promoted the numbers of Lecturers Basic Science on the post of the Head of the Department Basic Science on 14.10.2015 according to the Seniority list of the Lecturer of Basic Science (Math, Physics, Chemistry). It is pertinent to mention here that the respondent department also promoted the Lecturer English on the post of Head of the Department English (Humanities) on dated 14.10.2015. The respondent department also promoted the numbers of Lecturers, Basic Science on the post of Head of the Department of Basic Science according to their seniority list of the subject (Math, Physics, Chemistry) on 04.08.2020. It is pertinent to mention here that in said promotion list dated 04.08.2020, the respondent Department also promoted the lecturer English on the post of Head of the Department of English (Humanities).

3.6 The respondent department issued a tentative seniority list of Lecturers Basic Science (Maths, Physics, Chemistry) and Lecturers Humanities (English) for the promotion on the post of Head of the Department (Basic Science and Humanities). This act of the respondent department for issuance of seniority list jointly of Lecturers Basic Science (Maths, Physics, Chemistry) and Lecturers Humanities (English) against which the petitioner filed an objection before the respondent department.

3.7 It is submitted that the service conditions of the petitioners is regulated by the Statutory Rules framed under Article 309 of the

Constitution of India namely "The Uttarakhand Technical Education Gazetted Officers Service Rules, 2009", notified on 17.12.2009. As per the Appendix appended to the said Rules the post of Head of Department is a 100% promotional post for the persons serving substantively on the post of Lecturer and who have completed five years service on the post of lecturer on the first day of the recruitment year (1<sup>st</sup> July to 30<sup>th</sup> June of succeeding year). The criterion prescribed in the said rule is "seniority, subject to rejection of unfit".

3.8 The petitioners were appointed as Lecturer in the branch of Basic Science (Physics, Chemistry, Maths) in different government polytechnics in the year 2017, They completed five years service on the said post in the month of May to September, 2022 itself. In the Amendment Rules, 2020, it is not clearly mentioned, that the seniority list of Basic Science (Math, Physics and Chemistry) and Lecturers humanities (English) will be prepared jointly for the promotion on the post of Head of the Department Basic Science and Humanities.

3.9 According to the Uttarakhand Technical Education Gazetted Officer Service Rules, 2009 appendix of the rule 23 (2) relating to the pay scale of different post and in the amended rules, 20 in rule 23 (2) appendix 14 is also relating to the pay scale of the post. The act of the respondent authority for preparation of joint seniority list of Basic Science (Math, Physics and Chemistry) and Lecturers humanities (English) for the promotion on the post of Head of the Department Basic Science & humanities is against the service rules.

3.10 The respondent authorities in absence the of any Government order created the post of Head of the Department Basic Science & Humanities in Uttarakhand Technical Education Gazetted Officer Service (Amendment) Rules, 2020 as appendix ka (5) of the rule 23 (2) which is relating to the pay scales of different posts. In said Amendment Rules, 2020 nowhere it is mentioned that the Head of the Department of Basic Science and English be selected/

appointed on basis of the joint seniority list of lecturer Basic Science and English.

3.11 The impugned joint seniority list dated 15.07.2022 of Basic Science & English Lecturers for promotion on the post of Head of the Department of Basic Science & Humanities without any authority of the law and the applicants also challenging the office order dated 15.07.2022 by which the objection against the tentative seniority list filed by the applicants has been rejected by the respondent authority and also challenging the **appendix ka (5) of the rule 23 (2) of Uttarakhand Technical Education Gazetted officer service (Amendment) Rules, 2020** by which respondent authorities formed the joint seniority list of the subject Basic Science & Humanities for the promotion on the post of Head of the Department without any authority of the law. Thus the impugned joint seniority list dated 15.07.2022 & office order dated 15.07.2022 by which the objection against the tentative seniority list filed by the applicants has been rejected by the respondent authorities are liable to be quashed.

4. Counter affidavit filed on behalf of the respondents no. 2 & 3 stating therein that as per the Uttarakhand Technical Education Gazetted Officers Service Rule-2009 and its subsequent amendments in 2020, lecturers in the disciplines of Physics, Chemistry, Mathematics, and English in various Government Polytechnics of Uttarakhand are eligible for promotion to the post of Head-Basic Science and Humanities (Non-Engineering). In adherence to the aforementioned service rules, the department has prepared a combined seniority list for the purpose of promotions to the post of Head-Basic Science and Humanities (Non- Engineering). The petitioners are challenging this established procedure, aiming to secure additional promotional positions and this action of the petitioners is in direct violation of the provisions set forth in the aforementioned service rules.

4.1 As per the applicable Service Rules 2009 (and amendment in 2020), lecturers in Physics, Chemistry, Maths, and English are

eligible to become the Head-Basic Science and Humanities (Non-Engineering). Further, if there is any uncertainty between a Government Order and the Service Rules, the Service Rules take precedence. Therefore, it's clear that the exercise carried out by the department for promoting to the post of Head-Basic Science and Humanities (Non-Engineering) aligns with the rules, and the petitioners' claim against the seniority list dated July 15, 2022, is not sustainable in the eyes of law.

4.2 The prevailing positions as per applicable service rules are Lecturer in Physics, Chemistry, Mathematics, and English, and not Lecturer in Basic Science. It is submitted that as per Service Rules 2009 (amended in 2020), lecturers in Physics, Chemistry, Math, and English have consistently been eligible for the position of Head-Basic Science and Humanities (Non-Engineering).

5. C.A./W.S. has also been filed on behalf of respondent no. 1, stating therein that as per the applicable Service Rules 2009 (and amendment in 2020), lecturers in Physics, Chemistry, Maths and English have always been eligible to become the Head-Basic Science and Humanities (Non-Engineering). Therefore, it's clear that the exercise carried out by the department for promoting to the post of Head-Basic Science and Humanities (Non-Engineering) aligns with the rules and the petitioners' claim against the seniority list dated July 15, 2022, contradicts these rules.

6. Written submissions have been filed on behalf of the respondents no. 4 to 10 and it has been pleaded that the relief sought in claim petition is directed toward Seeking Quashing of the Joint Seniority List dated 15.07.2022 of Basic Science and English

Lecturer, for promotion on the post of Head of Department of Basic Science and Humanities. The petitioners have raised the contention that the combined seniority list for promotion to the post of Head of Department (Basic Science & Humanities) is in violation of the existing service rules of the Uttarakhand Technical Education Department. The Uttarakhand Technical Education Gazetted Officers Service Rules, 2009, along with the Amendment Rules, 2020, govern the promotion and service conditions of gazetted officers in the department. As per Clause 22 of the 2009 Rules, the seniority of candidates eligible for promotion to higher posts is determined by the date of their initial appointment to the substantive post. The combined seniority list has been prepared strictly in accordance with this provision. The list violates service rules by including lecturers of non-engineering subjects like English, Physics, Chemistry, and Mathematics under a single seniority list. However, these subjects are all categorized under the Non-Engineering stream, as per the 2009 Rules. Therefore, lecturers from these subjects are eligible for promotion based on inter-se seniority. The amended rules of 2020 also provide for promotions to be based on the Uttarakhand Government Employees Seniority Rules, 2002, which further strengthens the legality of the combined seniority list. The claim made by the petitioners that the combined seniority list is against Service Rules is unfounded and baseless. The Uttarakhand Government Employees Seniority Rules 2002, which apply as per the Amendment Rules, 2020, clearly stipulate that where promotions are made from different feeding cadres, seniority is to be determined based on the date of initial appointment to the substantive post.

7. Rejoinder Affidavit has also been filed on behalf of the petitioners denying the contents of the C.A./W.S. and have reiterated the averments made in the claim petition.

8. We have heard learned Counsel for the parties and perused the record.

9. Learned Counsel for the petitioner pleaded that the petitioners were appointed as the lectures of Chemistry, physics and mathematics in the year 2017 in the different Polytechnics in the state by the respondents. They have become eligible for promotion to the post of the Head -Basic Sciences and Humanities after completion of 5 years of the service as the lecturer. The post of the Head Basic Sciences and Humanities is 100% promotion post for the persons serving as the lecture Physics, Chemistry, Mathematics and Humanities who have completed 5 years of the service on the first day of the recruitment year. The criteria for the promotion is seniority subject to rejection of unfit. Combined seniority list has been prepared to fill up the vacant position of the Head–Basic Sciences and Humanities. The amended Rules 2020 do not provide for the preparation of combined seniority list for the promotion to the position of the Head of the department, preparation of such list of the different streams is against the law and such list should be quashed.

10. Learned A.P.O. pleaded that the combed list has been prepared to align the method of the promotion for the purpose of filling up the vacant positions of the Head – Basic Sciences and the Humanities. These posts will be the cadre for further promotion to the position of the Principal Polytechnics in the state.

11. Learned Counsel for the respondents no. 4 to 10 has argued that the revised seniority list has been prepared based on the Uttarakhand Government Servants Seniority Rules, 2002. English along with mathematics, physics and chemistry form the integral part of the curriculum for the first year technical in the polytechnic institution. Inclusion of the English is not only valid but necessary for the comprehensive functioning of technical education institutions. He has pointed out that the principal relief sought by the petitioners in

the present claim petition is covered by the decision of Hon'ble High Court of Uttarakhand in "***Shyam Lal's decision ( supra) and the claim Petition No 89/DB/2018 Himanshu Naugai and Ors vs state of Uttarakhand and Ors***". It is clear that the relief no 8(i) and 8(ii) are consequential to the relief no n8(iii) and arise out of the amended Service Rules vires of which has been challenged, therefore the reliefs 8i) and 8(ii) also cannot be granted by this tribunal.

12. On the basis of above discussion, we are of the opinion that so far as the relief no.(c) is concerned, Hon'ble High Court of Uttarakhand at Nainital has settled the controversy that this Public Services Tribunal has no power to look into the constitutional validity of the Rules. In the decision of *Shyam Lal and another vs. State of Uttarakhand and others, in WPSB No. 39/2020*, Hon'ble High Court has clearly laid down that the Uttarakhand Public Services Tribunal has no power to decide the questions relating to vires of statutory provisions and Rules. In Paragraphs No. 30 to 38, Hon'ble High Court has held, as under:

"30. The 1976 Act does not contain any specific provision conferring power on the Tribunal, constituted under the said Act, to decide questions relating to the vires of statutory provisions and Rules. The power to create or enlarge jurisdiction is legislative in character. The Legislature alone can do it by law and no court, whether superior or inferior or both combined, can enlarge the jurisdiction of a Court. (A.R. Antulay). In the absence of any such power being conferred on it by the Legislature, it is not the function of this Court to confer any such jurisdiction on the Tribunal constituted under the 1976 Act, for the jurisdiction of a Court/Tribunal can be created, enlarged or divested only by the Legislature, and not by the Court. (A.R. Antulay; and Shorter Constitution by D.D. Basu (18th Edition) Reprint 2002). The High Court would not ordinarily, in the exercise of its power of judicial review, prescribe functions to be discharged by the Tribunal which the State Legislature has not stipulated.

31. Even otherwise, as held by the Supreme Court in Madras Bar Association, the answer to the question, whether any limitation can be read into the competence of the legislature to establish and confer jurisdiction on Tribunals, would depend upon the nature of jurisdiction that is being transferred from Courts to Tribunals. These yardsticks would vary depending on whether the jurisdiction is being shifted from the High Court, or the District

Court or a Civil Judge. The 1976 Act was promulgated for adjudication of disputes relating to employment matters of public servants of the State Government etc. The jurisdiction of the Civil Courts, for redressal of their grievances, was taken away, (Public Services Tribunal Bar Assn.), and cases then pending in the Civil Court were transferred to it. Unlike the Tribunal constituted under the 1976 Act, cases pending in the High Court were initially transferred to the Administrative Tribunals constituted under the 1985 Act. It is only in terms of the law declared by the Supreme Court, in L. Chandra Kumar, were the decisions of these Tribunals, constituted in terms of the 1985 Act and as enacted by Parliament under Article 323-A of the Constitution, made subject to the judicial review of the High Court under Article 226 of the Constitution of India.

32. The Service Tribunals constituted under the 1976 Act have not been conferred jurisdiction, by the Legislature to adjudicate disputes relating to the *vires* of statutory provisions or rules. It is, therefore, not open to the High Court, when the validity of statutory provisions are under challenge before it in proceedings under Article 226 of the Constitution of India, to relegate the person aggrieved thereby to avail the remedy of approaching the Public Services Tribunal constituted under the 1976 Act.

33. The fact however remains that this would, as held by the Supreme Court in L. Chandra Kumar, enable a litigant to avoid approaching the Public Services Tribunal, and to directly invoke the extra-ordinary jurisdiction of the High Court under Article 226 of the Constitution of India, by raising a challenge, albeit frivolous, to the constitutional validity of a statutory provision or rule. This would, in turn, result in docket explosion in the High Court, and its precious time and resources being needlessly spent in adjudicating such frivolous challenges to the constitutional validity of statutory provisions and Rules. In this context it is useful to note that, in Krishna Sahai, the Supreme Court had commended to the State of Uttar Pradesh to consider the feasibility of setting up of an appropriate tribunal under the 1985 Act in the place of the Public Services Tribunal functioning under the 1976 Act so that, apart from the fact that there would be uniformity in the matter of adjudication of service disputes, the High Court would not be burdened with service litigation; and a Tribunal, with plenary powers, could function to the satisfaction of everyone

34. Again in Rajendra Singh Yadav, the Supreme Court opined that there was no justification why a Service Tribunal of a different pattern should operate in the State of Uttar Pradesh with inadequate powers to deal with every situation arising before it; a Tribunal set up under the Administrative Tribunals Act would have plenary powers to deal with every aspect of the dispute; the U.P. Services Tribunal should be substituted by a Tribunal under the Administrative Tribunals Act, as early as possible, to enable uniformity of functioning, and the High Court being relieved of the

burden of dealing with certain service disputes; steps should be taken to replace the Service Tribunal, by a Tribunal under the Administrative Tribunals Act, 1985, as that would give the Tribunal the necessary colour in terms of Article 323-A of the Constitution; disputes which arise, on account of the Service Tribunal not having complete jurisdiction to deal with every situation arising before it, would then not arise; and several States had already constituted such Tribunals under the 1985 Act.

35. Both in Krishna Sahai and in Rajendra Singh Yadav, the Supreme Court had opined that it would be appropriate for the State of Uttar Pradesh (which would also include the successor State of Uttarakhand) to change its manning to maintain judicial temper in the functioning of the Tribunal. The State Government was directed to consider the feasibility of setting up an appropriate Tribunal under the Administrative Tribunals Act, 1985 in the place of the existing Service Tribunal established under the 1976 Act. (Public Services Tribunal Bar Assn.). Despite repeated directions of the Supreme Court, and though nearly three decades have since elapsed, the Public Services Tribunal constituted under the 1976 Act has not been substituted by a State Administrative Tribunal under the 1985 Act.

36. Article 144 of the Constitution requires all authorities, Civil and Judicial, in the territory of India to act in aid of the Supreme Court. The singular Constitutional role of the Supreme Court under the Constitution, and correspondingly of the assisting role of all authorities - civil or judicial in the territory of India - towards it, mandate the High Court, which is one such judicial authority covered under Article 144 of the Constitution, to act in aid of the Supreme Court. While the High Court is independent, and is a co-equal institution, the Constitutional scheme and judicial discipline requires that the High Court should give due regard to the orders of the Supreme Court which are binding on all courts within the territory of India. (Spencer & Co. Ltd. and another v. Vishwadarshan Distributors (P) Ltd.; M/s Bayer India Ltd. and others v. State of Maharashtra and others; CCE v. Dunlop India Ltd.; and E.S.P. Rajaram v. Union of India]).

37. The orders of the Supreme Court are judicial orders, and are otherwise enforceable throughout the territory of India under Article 142 of the Constitution. The High Court is bound to come in aid of the Supreme Court in having its orders worked out. (Spencer & Co. Ltd.; M/s Bayer India Ltd.; and E.S.P. Rajaram). The High Court has an obligation, in carrying out the Constitutional mandate, maintaining the writ of the Supreme Court running large throughout the country. (M/s Bayer India Ltd.; E.S.P. Rajaram; and Spencer & Co. Ltd.). Acting in aid of the Supreme Court, the High Court should ensure that the orders of the Supreme Court are adhered to by all, both in letter and spirit. It is obligatory for this Court, therefore, to ensure that the orders of the Supreme Court, in Krishna Sahai; and Rajendra Singh Yadav, are adhered to by the Government of Uttarakhand and, as directed therein, to take action forthwith to ensure that an Administrative Tribunal is constituted for the State of Uttarakhand under the 1985 Act. Let a copy of this order be sent to the Chief Secretary, Government of Uttarakhand. The Chief Secretary is requested to take necessary action forthwith, and submit an action taken report to this Court within four months from today.

38. In so far as the present case is concerned, the petitioner has challenged the constitutional validity of the Rules made under the proviso

to Article 309 of the Constitution of India. He cannot, therefore, be relegated to approach the Public Services Tribunal.”

14. This Tribunal also vide its judgment and order dated 10.08.2020, passed in *Claim Petition No. 89/DB/2018, Himanshu Naugai & others vs. State of Uttarakhand & others*, relying upon the aforesaid judgment of the Hon’ble High Court, dismissed the claim petition for want of jurisdiction.

15. In the instant claim petition, the petitioners have challenged the constitutional validity of the Rules framed under proviso to Article 309 of the Constitution of India. The Hon’ble Court has clearly settled that since this Tribunal cannot decide questions relating to Constitutional validity of Statutory provisions/ Rules and the petitioners have challenged the constitutional validity of Rules made under proviso to Article 309 of the Constitution of India, therefore, they (petitioners) cannot be relegated to approach the Tribunal.

16. This Tribunal, therefore, is of the view that the challenge to Rule 23(2) of the *Uttarakhand Technical Education Gazetted Officers Service (Amendment) Rules, 2020*, cannot be adjudicated by this Tribunal and, therefore, this Tribunal is unable to give such declaration, as desired by the claim petitioners. In other words, since the *vires* of *Uttarakhand Technical Education Gazetted Officers Service (Amendment) Rules*, cannot be looked into by the Tribunal, therefore, this Tribunal is unable to give any decision on relief 8(c) of the claim petition.

17. The next relief is for quashing the impugned Joint Seniority vide order no. 743 dated 15.07.2022, which has been enclosed as Annexure No. 1 and the impugned Office Memo no. 743 dated 15.07.2022, which has been enclosed as Annexure no. 2 to the claim petition. These letters/Memos are stated to have been issued by the respondent no. 1.

18. It is to be seen that reliefs no. 8(a) and 8(b) flow from relief no. 8(c), therefore, this Tribunal cannot give reliefs no. 8(a) & 8(b) also.

19. It may again be stated, at the cost of repetition that the reliefs no. 8(a) and 8(b) are consequential to relief no. 8(c). This Tribunal has already mentioned above that this Tribunal lacks jurisdiction to determine the issue.

20. Principal relief no.8(c) cannot be granted. The other reliefs, viz, reliefs no. 8(a) and 8(b) flow from relief no. 8(c). These are consequential to the relief 8(c). Had the Tribunal been in a position to grant the third relief, it would have looked into the consequential reliefs. But since this Tribunal has no jurisdiction to grant third relief, therefore, it also lacks jurisdiction to grant first and second reliefs, which are consequential to the third relief and arise only out of the principal relief 8(c).

21. Since the principal relief sought for by the petitioners, in the present claim petition, cannot be granted by this Tribunal in view of the decision of Hon'ble High Court of Uttarakhand in *Shyam Lal's* decision (*supra*) and it is more than clear, from the above discussion, that reliefs no. 8(a) and 8(b) are consequential to relief no. 8(c) and arise out of the amendments in the Service Rules, *vires* of which has been challenged, therefore, reliefs no. (a) and (b) also cannot be granted by this Tribunal. In a nutshell, since this Tribunal cannot grant relief no. 8(c), therefore, it also cannot grant reliefs no. 8(a) and 8(b), being consequential in nature.

22. As a result thereof, we have no option but to dismiss the claim petition for want of jurisdiction (as to subject matter) without going into the merit of the claim petition.

**(A.S .RAWAT)**  
VICE CHAIRMAN (A)

**(RJENDRA SINGH)**  
VICE CHAIRMAN (J)

DATE: OCTOBER 21, 2024  
DEHRADUN  
KNP