

**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. 125/NB/DB/2023**

Suresh Chandra, aged about 39 years, S/o Sri Kailash Chandra Arya, r/o Uttari Khatari, Indira Colony, Ramnagar Range, District Nainital & 104 others.

.....Petitioners

**Vs.**

1. State of Uttarakhand through Principal Secretary, Department of Home, Govt. of Uttarakhand, Dehradun
2. Director General of Police, Uttarakhand Police Headquarter, Dehradun.
3. Inspector General of Police (Personnel), Kumoun Region Nainital.
4. Head Constable 69 Ram Chandra S/o Sri Shivprasad Chaudhary Presently Posted in 31" Battalion P.A.C. Rudrapur District Udham Singh Nagar.
5. Head Constable 3116 Budhsen Mishra S/o Sri Rameshwar Dayal Mishra Presently Posted in IRB First Bailparaw Ramnagar District Nainital.
6. Head Constable 2064 Virendra Singh Kaithait S/o Sri Trilok Singh Kaithait Presently Posted in 46th Battalion P.A.C. Rudrapur District Udham Singh Nagar.
7. Head Constable 4128 Shiv Prasad S/o Sri Harshpati Kukshal Presently Posted in IRB Second Bailparaw Ramnagar District Nainital.
8. Head Constable 2047 Harish Ram S/o Sri Nathu Ram Presently Posted in 46th Battalion P.A.C. Rudrapur District Udham Singh Nagar.
9. Head Constable 35 Dinesh Chandra Upreti S/o Sri Pitamber Dutt Upreti Presently Posted in 31" Battalion P.A.C. Rudrapur District Udham Singh Nagar
10. Head Constable 1115 Hakim Singh S/o Sri Mahaveer Singh Presently Posted in 40th Battalion P.A.C. Haridwar District Haridwar
11. Head Constable 2060 Anil Kumar Singh S/o Sri Ram Bachan Singh Presently Posted in 46th Battalion P.A.C. Rudrapur District Udham Singh Nagar.
12. Head Constable 3120 Pramhans Yadav S/o Sri Ram Sagar Singh Yadav Presently Posted in IRB First Bailparaw Ramnagar District Nainital.

13. Head Constable 4011 Jai Singh Rawat S/o Sri Mura Singh Presently Posted in IRB Second Bailparaw Ramnagar District Nainital.

.....Respondents

Present: Sri Harish Adhikari, Advocate for the petitioners  
Sri Kishore Kumar, A.P.O., for the respondents no. 1 to 3

### **JUDGMENT**

**DATED: NOVEMBER 07, 2024**

The petitioners have filed this claim petition for the following reliefs:

*“a) To issue order or direction calling for the record and to quash the Order dated 3rd October 2022 (Annexure No.-1 to the claim petition) to the extent it provides that the promotion of the claimants on the post of Head Constable PAC/ IRB will be from the date of issuance of the promotion order.*

*b) To issue order or direction calling for the record and to quash the Communication dated 10.11.2022 issued by the Deputy Inspector General of Police, PAC, Uttarakhand (Annexure No. 2 to the Claim Petition), whereby the Tentative Seniority List of Head Constable PAC/ IRB was issued, in which the claimants have been placed by showing the date of selection of the claimants to be 08.10.2022 on the post of Head Constable PAC/IRB.*

*c) To issue order or direction to the Respondent Appointing Authority to treat the date of appointment/ selection of the claimants on the post of Head Constable PAC/ IRB from the date of the claimants to be 08.01.2022 when the claimants were selected for promotion on the post of Head Constable PAC/IRB as has been provided in the Service Rules of the claimants and the respondents have been permitting the promotion from the date of issuance of the promotion order.*

*d) That the costs of the petition may be awarded in favour of the Claimants and against the respondents.”*

2. Learned Counsel for the petitioners submitted that the respondents issued tentative seniority list on 10.11.2022 and three days' time was given for inviting objections. While preparing the tentative seniority list, the respondents did not follow the provisions of the Uttaranchal Govt. Servants Seniority Rules, 2002. This tentative seniority was received by the petitioners after six days of its issue by the respondents.

3. During the course of arguments, learned Counsel for the petitioners confined his prayer to the extent that the communication dated 10.11.2022 issued by the Deputy Inspector General of Police, PAC, Uttarakhand,

whereby tentative seniority list of Head Constables, PAC/IRB was issued, for which three days' time was given to submit the objections, is against the Rule 9(2) of the Uttaranchal Govt. Servants Seniority Rules, 2002. Rule 9(2) of the said Rules, reads as under:

“9(2). The tentative seniority list shall be circulated amongst the persons concerned inviting objections, by a notice of reasonable period, which shall not be less than seven days from the date of circulation of the tentative seniority list.”

Learned Counsel for the petitioners also submitted that as per the above rule, minimum prescribed time to invite objections shall not be less than seven days from the date of circulation of the tentative seniority list, which has not been given by the respondents, while circulating the tentative seniority list. Learned Counsel for the petitioners requested to direct the respondent authorities to reissue the tentative seniority list dated 10.11.2022 and give sufficient time to file objections, as per Rules.

4. Learned A.P.O. agrees to the rule position, while inviting the objections, by a notice of reasonable period, which shall not be less than seven days from the date of circulation of the tentative seniority list.

5. In view of the above, the respondent authorities are directed to give time as prescribed under Rule 9(2) of the Uttaranchal Govt. Servants Seniority Rules, 2002 to the petitioners, to file their objections against the aforesaid tentative seniority list and the same be disposed of by a reasoned and speaking order, withing 30 days. Till the seniority list is finalised on the basis of the objections, the final seniority list issued vide letter dated 16.11.2022 shall be kept in abeyance.

6. Accordingly, the claim petition is disposed of. No order as to costs.

A.S.RAWAT  
VICE CHAIRMAN (A)

RAJENDRA SINGH  
VICE CHAIRMAN (J)

*DATED: NOVEMBER 07, 2024*  
NAINITAL.  
KNP