

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Justice J.C.S.Rawat

----- Chairman

and

Hon'ble Sri D.K.Kotia,

-----Vice Chairman (A)

CLAIM PETITION NO. 30/2011

1. Raghubeer Singh, S/o Sri Surjan Singh, presently posted as Senior Assistant, Office of Assistant Commissioner (Commercial Tax), Sector-II Roshnabad, Haridwar, District Haridwar,
2. Surendra Singh Tomar, S/o Sri Fechar Singh, Presently posted as Senior Assistant, Office of Deputy Commissioner (Assessment) Commercial Tax Dehradun, District Dehradun,
3. Rati Ram, S/o Sri Kalan Singh, presently posted as Senior Assistant, Office of Deputy Commissioner (Assessment) Commercial Tax Haridwar, District Haridwar,
4. Mohan Singh Bhutia, S/o Nathu Singh, Presently posted as Senior Assistant, Deputy Commissioner (Assessment), Commercial Tax Rudrapur, District Udham Singh Nagar.
5. Jaipal Singh, S/o Sri Mohar Singh, presently posted as Senior Assistant, Office of Assistant Commissioner (Assessment) Commercial Tax Dehradun, District Dehradun,
6. Chandra Mohan Joshi, S/o Sri Chandra Shekhar Joshi, Presently posted as Senior Assistant, Office of Assistant Commissioner (Incharge) Commercial Tax, Check Post Asha Rori Dehradun, District Dehradun.

.....Petitioners

VERSUS

1. State of Uttarakhand through Secretary/Principal Secretary, Finance Dehradun, District Dehradun.

2. Commissioner, Commercial Tax, Uttarakhand, Dehradun.
3. Additional Commissioner, Commercial Tax (Administration), Head Office, Dehradun, District Dehradun.
4. Sri Ramesh Chandra Dimri, Presently posted as Commercial Tax Officer, Check Post Kaudiya (Kotdwar) Uttarakhand,
5. Sri Manwar Singh Rawat, Presently posted as Commercial Tax Officer, Check Post Kaudiya (Kotdwar) Uttarakhand.
6. Sri Mahesh Walia, presently posted as Commercial Tax Officer, Check Post Chidiyapur, Haridwar, Uttarkahand.
7. Sri Daljeet Singh, presently posted as Commercial Tax Officer, Check Post Amarpur, Haridwar.
8. Sri P.C.Kannojiya, Presently posted as Commercial Tax Officer, Check Post Kunwahedi Narsan District-Haridwar.
9. Sri Mehar Singh, Presently posted as Commercial Tax Officer, Railway Check Post, Haridwar.
10. Sri Preetan Singh, Presently posted as Commercial Tax Officer, Check Post Kulhal, Vikas Nagar, District Dehradun.
11. Sri Ragunath Singh, Presently posted as Commercial Tax Officer, Check Post Kulhal, Vikas Nagar, Dehradun, district Dehradun.
12. Sri Ramesh Chand Saini, Presently posted as Commercial Tax Officer, C.T. Office, Srinagar, Pauri Garhwal.
13. Smt. Rampyari, Presently posted as Commercial Tax Officer, Sector-I, Roorkee, Haridwar.
14. Smt.Uma Arya, Presently posted as Commercial Tax Officer, Additional Commissioner Office Rudrapur, Udham Singh Nagar.
15. Sri Tara Dutt Brijwasi, presently posted as Commercial Tax Officer, Check Post Shahganj, Rudrapur, District Udham Singh Nagar.
16. Sri Tara Dutt Kabadwal, Presently posted as Commercial Tax Officer, Sector-2, Rudrapur, District Udham Singh Nagar.
17. Sri Sheri Ram Arya, Presently posted as Commercial Tax Officer, Railway Check Post, Haldwani, District Haldwani.
18. Sri Rajendra Prasad, Presently posted as Commercial Tax Officer, C.T. Office, Sector-1, Almora.
19. Sri Surendra Prasad, Presently posted as Commercial Tax Officer, Check Post Dharampur, Kashipur, District Udham Singh Nagar.

.....Respondents

Present: Sri B.B.Naithani, Ld. Counsel
for the petitioners

Sri Umesh Dhaundiyal, Ld. A.P.O.
for the respondents No. 1, 2 & 3

JUDGMENT

DATE: MAY 17, 2016

HON'BLE SRI D.K.KOTIA, VICE CHAIRMAN (A)

1. The present claim petition has been filed for seeking the following relief:

"It is therefore respectfully prayed this Hon'ble Tribunal may graciously be pleased to-

1. *Quash the order no. 3211-आयु० कर उत्तराः स्था० 2001-2002 dated 3.11.2001, AnnexureNo-2 by which the private respondents have been illegally promoted on the non-existent & non-sanctioned posts of Senior Assistant.*
2. *Quash the order no. 3689/आयु०क०उत्तरा स्था० अनु०/व्या०कर /04-05 dated 01.03.05 Annexure No. 3 by which the illegally promoted Senior Assistants have been promoted on the post of Office Superintendent without consideration of names of the petitioners.*
3. *Quash the order no. 1471/XXVII(5)/व्या०कर०/04 dated 28.12.2004, Annexure No. 1 to the extent of the promotions granted to Senior Assistants occupying position at Sl. No. 10,11,13,17, 18 and 19 there in the order and who were promoted as Senior Assistants on the non-sanctioned and non-existent posts of Senior Assistant.*
4. *Quash the order no. 754/XXVII(8)/वाणि०कर/2007 dated 03.12.2007, Annexure No. 4 to the extent of the promotions granted to Senior Assistants occupying position at Sl. No. 4,5,6,7 & 8 there in this order and who were promoted as Senior*

Assistants on the non-sanctioned and non-existent posts of Senior Assistant.

5. *Quash the order no. 1452/XXVII आय०कर० उत्तरा/स्था०अनु/वणि० कर/2007-2008 dated 07.08.2007, Annexure No. 5 to the extent of the regularization of the private respondents occupying position at Sl. No. 1 to 5, 8 to 14 and 16 & 17 there in this order and who were illegally promoted as Senior Assistants on the non-sanctioned and non-existent posts of Senior Assistant.*
6. *Quash the order no. 2857/ वाणि०कर/ 2007 dated 30.11.2007 Annexure No. 6 by which the representations filed by the petitioners have been rejected without application of mind.*
7. *Issue a direction to the respondent Nos. 1 to 3 to make proper determination of number of posts of a Trade Tax Officer coming under the reservation on 1st July of every selection year since 3.11.2001 up to date as per policy of State and Central Govt. declared by various orders and not to avoid the case of petitioners who belong to category of Scheduled Tribe from consideration for the purpose of promotion as to higher post of Trade Tax Officer and to grant promotions with consequential benefits on the post of Trade Tax Officer to the petitioners since the date 28.12.2004 on which the illegally promoted Senior Assistants were promoted on the post of Trade Tax Officer.*
8. *Issue a direction to the respondents 1 to 3 to recall all the orders dated 28.12.2004 and dated 03.12.2007 as mentioned in above relief No. 3 & 4 respectively by which alleged promotions have been made on the post of T.T.O. Gd II/C.T.O. and to initiate the regular selection process for promotion of petitioners to the post of T.T.O. Gd II/ C.T.O. since the date private respondents were illegally and arbitrarily promoted on the post of Trade Tax Officer and to fill the quota up to the extent of 50% meant for the promotion for Lipik/Clerical cadre by sending the selection proceeding to the Public Service Commission Uttarakhand.*

9. *Issue any other order or direction which this Hon'ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case.*

10. *Award the cost of the petition to the petitioners".*

BRIEF FACTS AND CONTENTIONS OF THE PARTIES

2.1 The facts in brief are that all the 6 petitioners were initially appointed as Junior Clerk in the Sales Tax Department (now known as the Commercial Taxes Department) in 1993 in erstwhile State of U.P. All the petitioners belong to Schedule Tribe (ST). Private respondents no. 4 to 19 were also initially appointed as Junior Clerk in the department in various years from 1975 to 1978. Out of 16 private respondents, 8 (Nos. 4, 5, 6, 7, 12, 13, 15 and 16) belong to General Category and remaining 8 (Nos. 8, 9, 10, 11, 14, 17, 18 and 19) belong to Scheduled Caste (SC). All the petitioners and all the private respondents were promoted to the next higher post of Senior Clerk in their respective category. All the petitioners were further promoted to the next higher post of Senior Assistant in 1997, 1998 and 1999 against the ST quota as per the reservation roster. All the private respondents continued on the post of Senior Clerk upto 2001 as the vacancies of the Senior Assistant in their respective category were not available.

2.2 State of Uttarakhand was created on 9.11.2000 and vide letter dated 6.11.2000 (Annexure: 8), U.P. Government transferred 52 posts of Senior Assistant to the State of Uttarakhand. Vide letter dated 23.10.2001 (Annexure R-1), out of 52 Senior Assistants, only 36 were provided by the Government of U.P. to the State of Uttarakhand. Further, 2 additional posts of Senior Assistant were created by the Government of Uttarakhand on 16.06.2001 (Annexure: 9). Treating 54 as the sanctioned posts of Senior Assistant and the fact that only 36 Senior Assistants were provided by U.P. to work in Uttarakhand, the Department of Commercial Taxes, Uttarakhand made promotions from Senior Clerk to Senior Assistant on 17 vacancies (leaving one vacancy

for an Uttarakhand optee who was likely to be allotted to the State) on 3.11.2001 (Annexure: 2). All 16 private respondents were included in this list of promotion to the post of Senior Assistant. The main contention in the petition is that there were only 3 vacancies of Senior Assistant as on 3.11.2001 and promotion of 17 Senior Clerks to the post of Senior Assistant in excess of sanctioned posts is ab-initio illegal. Further, on 13.10.2003 (Annexure: 11), 23 new posts of Senior Assistant were created (2 posts created on 16.06.2001 were merged with these posts). On these newly created posts and on 3 more vacancies due to retirement etc., the Department made further promotion of 26 Senior Clerks to the posts of Senior Assistant on 18.3.2004. (Annexure: 2B). The petitioners have not challenged these promotions and no relief has been sought in this regard. Thereafter, Government of India made final allocation under U.P. Reorganization Act, 2000 on 18.5.2004 giving retrospective effect to the allocation from 9.11.2000 and 49 posts of Senior Assistant with the list of employees were provided to Uttarakhand (Annexure: 12).

2.3 Respondents no. 4,5,6,8, 18 and 19 were further promoted on adhoc basis as a stop gap arrangement to the post of Trade Tax Officer Grade-II on 28.12.2004 (Annexure: 1). Respondents No. 7,12,13,15 and 16 were also promoted to the post of Office Superintendent on 01.03.2005 (Annexure:3). Respondents No. 7,12,13,15 and 16 were further promoted on adhoc basis as a stop gap arrangement from the post of Office Superintendent to the post of Trade Tax Officer Grade-II on 3.12.2007(Annexure: 4). The petitioners in the claim petition have challenged all these promotions solely on the ground that the promotion of these respondents on the post of Senior Assistant on 3.11.2001 was illegal because of non-sanctioned and non-existent posts of Senior Assistant and, therefore, their further promotions were also illegal. The petitioners have also contended that they were also entitled to be considered for promotion on the post of Office Superintendent and Trade Tax Officer Grade II under Scheduled Tribe Quota as well as in General Category.

2.4 The petitioners made representations and demanded their promotions from the post of Senior Assistant to the post of Trade Tax Officer Grade II. On representation of the petitioners, the Government directed to the Commissioner, Commercial Tax on 19.06.2007 to examine the whole matter and report to the Government (Annexure: 10). In pursuant to the direction, a review meeting of the Departmental Selection Committee was held on 27.06.2007. Taking into account the final allocation made by the Government of India with retrospective effect from 9.11.2000, the promotions made from the post of Senior Clerk to Senior Assistant on 3.11.2001 and 18.3.2004 were reviewed keeping in view the actual number of vacancies and the reservation of SCs and STs and recommendations of the Committee were sent to the Government to regularize the dates from which the promotions from Senior Clerk to Senior Assistant are to be given effect (R12-documents of respondents). On the basis of the recommendation of the Departmental Selection Committee, the dates of promotions of Senior Assistants (made on 03.11.2001 and 18.03.2004) were regularized according to the dates when vacancies had occurred by issuing a Government Order dated 7.08.2007 (Annexure: 5). The petitioners have challenged this regularization order dated 7.08.2007 on the ground that the said regularization is arbitrary and illegal as no provision exists in any Rule to regularize such illegally appointed employees. The representations of the petitioners dated 5.8.2004 and 30.07.2007 (Annexure: 18 and 19) were rejected on 30.11.2007 (Annexure: 6). Aggrieved by this, the petitioners approached the Hon'ble High Court of Uttarakhand Vide Writ Petition No. 33(S/S) of 2008 and Hon'ble High Court vide its order dated 07.01.2011 relegated the matter to the Tribunal (Annexure: 7). Hence, this petition.

3. On behalf of Respondents No. 1, 2 and 3, learned A.P.O. has opposed the claim petition and it has been mainly stated in the joint written statement that promotions from Senior Clerk to Senior Assistant have been made on 3.11.2001 on the basis of the actual

vacancies on that date. In the absence of final allocation, the vacancies were calculated taking into account the number of employees actually working in Uttarakhand. Till final allocation by the Government of India, it was not possible to ascertain the actual number of employees who would be finally allocated to Uttarakhand. As only 36 Senior Assistants were working against the tentative allocation of 52, the vacancies were correctly ascertained and promotions were made on 3.11.2001 so that the working of an important department like Commercial Taxes (which is the main source of the revenue for the Government) does not suffer. It has also been stated in W.S. that all the promotions have been made following due procedure prescribed under the rules and keeping in view the reservation quota for SCs and STs. Further, promotions were made subject to final allocation by the Government of India and after the allocation, promotions have been regularized for the purpose of dates from which promotions are to be given effect by the State Government on the basis of the recommendations of the Departmental Selection Committee. It has further been stated that the petitioners could be considered for promotions on the basis of the availability of promotion posts under ST quota as per roster. Since no posts were available for ST candidates under ST quota as per roster, the petitioners could not be promoted on the posts of Office Superintendent and Trade Tax Officer Grade-II. Alternatively, the petitioners could have been considered for promotion in General Category provided they had seniority. But they were not senior enough to be considered against unreserved vacancies. The Commercial Taxes Department issued the final seniority list of Clerical Cadre on 13.3.2006 (Annexure: R-10). This list was prepared after the final allocation on the basis of seniority list as existed in U.P. This is a complete seniority list as it also includes employees of clerical cadre promoted from time to time/died/retired/resigned/absorbed. This list was finalized after disposal of the objections invited on the tentative seniority list of 31.12.2005. This list reflects inter-se seniority of clerical cadre employees from 9.11.2000, the date of the creation of Uttarakhand State. There are 303 names in this list in all as per

seniority. The names of private respondents are at Serial Numbers 33, 34, 37, 40, 42, 45, 46, 47, 56, 64, 65, 66, 70, 79, 91 and 92. The names of the petitioners are at Serial Number 233, 235, 236, 237, 241 and 243 in this seniority list. Thus, the petitioners were eligible for promotion neither under the ST quota nor against unreserved vacancies. Learned A.P.O. also contended that the claim petition of the petitioners is barred by the limitation. Finally, the W.S. states that there is no irregularity or illegality and the whole proceedings have been conducted as per Rules and, therefore, the claim petition is liable to be dismissed.

4. Despite sufficient service, the private respondents (Nos. 4 to 19) have not filed any Written Statement.

5. Rejoinder Affidavits and Additional Written Statements have also been filed by the parties in which same points have been reiterated and elaborated which have been stated in the claim petition and written statement. Several documents have also been filed on behalf of the petitioners and the State.

6. We have heard learned counsel for the petitioners and learned A.P.O. and also perused all record carefully.

7. **On the above contentions, the following four main points arise for consideration:-**

- (I) Whether promotions of 17 Senior Assistants made on 03.11.2001 are illegal?**
- (II) Whether regularization of dates of promotions of Senior Assistants by order dated 07.08.2007 is illegal?**
- (III) Whether petitioners are aggrieved parties and their claim for promotions is tenable?**
- (IV) Whether the claim petition is barred by delay, laches and limitation ?**

POINTS (I) AND (II)

8. Learned counsel for the petitioners has argued that the promotion of the private respondents (Nos. 4 to 19) from the post of Senior Clerk to Senior Assistant made on 3.11.2001 is illegal as vacancies of Senior Assistant were not available on that date. According to him, 52 posts of Senior Assistant were transferred from U.P. to Uttarakhand (Annexure 8) in the year 2000 and finally only 49 posts of Senior Assistant were allocated to Uttarakhand by the Government of India in May, 2004 (Annexure:12). He further contends that though 2 additional posts of Senior Assistant were sanctioned by the Government of Uttarakhand on 16.06.2001 (Annexure: 9) but they were merged with 23 new posts sanctioned on 13.10.2003(Annexure: 11). Therefore, according to learned counsel for the petitioner, only 3 posts of the Senior Assistant were vacant on 3.11.2001 and the promotion of private respondents could not have been made as vacancies did not exist and their promotion is, therefore, illegal and void ab-initio.

9. Learned A.P.O. argued that vacancies of Senior Assistant were available on 3.11.2001 and the private respondents have been rightly promoted. He explains that though 52 posts of Senior Assistant were transferred from U.P. to Uttarakhand but out of 52, only 36 Senior Assistants were actually provided to work in Uttarakhand. He further argues that 2 additional posts of Senior Assistant were sanctioned on 16.06.2001 and these two posts were very much available on 3.11.2001. One Senior Clerk had opted for Uttarakhand and he was likely to be allocated to the State and after excluding this post, 17 vacancies were available on 3.11.2001 and, therefore, 17 promotions from Senior Clerk to Senior Assistant were rightly made. Learned A.P.O. further contended that the allocation of 52 posts of Senior

Assistant to Uttarakhand on 6.11.2000 was tentative. Out of 52 posts, only 36 Senior Assistant were available to work in Uttarakhand. Rest of the 16 Senior Assistants were unidentified. The position in regard to actual number of Senior Assistants which the State will finally get was uncertain at that point of time. It was not possible to ascertain as to when final allocation will be made as it was an exercise likely to take years. Under these circumstances, the vacancies were correctly calculated on the basis of tentative figure of sanctioned post (52+2) and the actual number of Senior Assistants (36) working in Uttarakhand. He further contended that the Senior Assistants belonged to the Department of Commercial Taxes and the department is the main source of revenue for the State Government. It was not found prudent to keep vacancies unfilled, otherwise revenue of a newly born State might get adversely affected. Therefore, in the interest of financial resources of the State and keeping in view the uncertainties of final allocation, it was found necessary to fill up the vacancies available at ground level. Learned A.P.O also pointed out that though the promotion of the Senior Assistants was regular yet it was conditional and subject to the final allocation. He mentioned the following paragraph of the promotion order dated 3.11.2001 (Annexure: 2).

“उर्पयुक्त कर्मचारियों की पदोन्नति नितान्त अस्थायी है तथा भारत सरकार के अन्तिम आबंटन के निर्णय के अधीन रहेगी। यदि पूर्णगठन आयोग/भारत सरकार द्वारा उत्तर प्रदेश से इनसे वरिष्ठ कर्मचारी अंतिम रूप से उत्तरांचल राज्य हेतु आबंटित होते हैं तो तदनुसार ज्येष्ठता के क्रम में उन्हें प्रत्यावर्तित किया जा सकेगा।”

Learned APO stated that it is clear from the above paragraph of the promotion order dated 3.11.2001 that the promotions were conditional. The promotions were subject to final allocation. If the employees senior to the employees promoted would be finally allocated to Uttarakhand, they will get promotion according to the condition laid down under the promotion order dated 3.11.2001.

10. We have gone through the proceedings of the promotion to the post of Senior Assistant made on 3.11.2001 (Annexure: R1- documents of respondents). It is revealed from the minutes that a Departmental Promotion Committee was constituted and it held its meeting on 2.11.2001. The DPC found that sanctioned posts of Senior Assistant were 54 as 52 posts were transferred from Uttar Pradesh and 2 additional posts were created on 16.06.2001. Against this, only 36 Senior Assistants were provided by U.P. and they were working in Uttarakhand. The DPC also noted that there is one employee working in U.P. had opted for Uttarakhand and he was likely to be allocated to Uttarakhand. Excluding this, the promotions were taken up treating 17 as the vacant posts of Senior Assistant. The DPC took into account the reservation of SC and ST while considering promotion. Out of 54, the quota of SC as per roaster was 11 and only 3 were working so it considered 8 SC category vacancies. It was also noted by the DPC that out of total 54 posts, only 2 posts were to be filled up by ST employees as per Reservation Roaster but actually 9 ST employees were already working on the post of Senior Assistant. The share of general category employees out of 54 posts was 41 and only 25 were already working thus, there were 16 vacancies. Since 7 ST employees were surplus, this number was adjusted against the general category vacancies and the same were reduced from 16 to 9. The DPC, therefore, decided to consider promotion for 8 SC category vacancies and 9 general category vacancies. The promotion from Senior Clerk to Senior Assistant was governed by the U.P. Sales Tax Department Ministerial Service Rules, 1973 (applicable in Uttarakhand State) and admittedly, the criterion for promotion was 'seniority subject to rejection of unfit.' The DPC considered available eligible employees in order of seniority in general and SC categories separately. It found one general and one SC category employee unfit and found 8 SC category and 9 general category Senior Clerks fit for promotion in order of seniority and recommended their promotion. On the recommendation of the DPC, the promotion order was issued on 03.11.2001 subject to final allocation by the Government of India as mentioned earlier.

11. Thus, the promotions of the petitioners were made following due procedure laid down under the relevant Rules but the promotions were purely temporary and these were subject to number of vacancies and seniority which would emerge after the final allocation by the Government of India. The promotions were based on tentative allocation and as per the seniority which existed prior to the formation of the State of Uttarakhand. **The Government of Uttarakhand had also recognized this method of promotion so that vacancies under promotion quota could be filled and the work of various departments does not get adversely affected. The State Government pursued its Departments to take up promotions pending final allocation by issuing a Government Order dated 15.09.2004 which is reproduced below:**

“संख्या 1478/XXX (2)/2004

प्रेषक,

नृप सिंह नपलच्याल,
प्रमुख सचिव,
उत्तरांचल शासन।

सेवा में,

1—अपर मुख्य सचिव,
उत्तरांचल शासन।

2—समस्त प्रमुख सचिव/सचिवगण,
उत्तरांचल शासन।

कार्मिक अनुभाग-2

देहरादून : दिनांक 15 सितम्बर, 2004

विषय—प्रोन्नति कोटे के रिक्त पदों को भरे जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषय पर मुझे यह कहने का निदेश हुआ है कि विभिन्न विभागों के अन्तर्गत विभिन्न सेवा संवर्गों में सीधी भर्ती तथा पदोन्नति के अनेक पद रिक्त होने के कारण सेवाओं/कार्यक्रमों के सुचारु रूप से संचालन में कठिनाई उत्पन्न हो रही है। सीधी भर्ती के पदों पर चयन की प्रक्रिया को अपनाकर चयन करने में समय लगेगा। परन्तु पदोन्नति के पदों पर चयन विभागीय पदोन्नति चयन समिति के माध्यम से अथवा लोक सेवा आयोग के माध्यम से कराने में अधिक समय नहीं लगता है। ऐसी स्थिति में चयन वर्ष के प्रारम्भ में

ही पदोन्नति कोटे की उपलब्ध रिक्तियों तथा उस चयन वर्ष में सेवानिवृत्ति/पदोन्नति से होने वाली सम्भावित रिक्तियों को आंगणित करते हुए चयन की कार्यवाही की जा सकती है।

2-अतः इस सम्बन्ध में आपसे अनुरोध है कि कृपया अपने नियंत्रणाधीन विभाग में पदोन्नति कोटे की रिक्तियों को आंगणित करते हुए विभागीय पदोन्नति समिति की बैठक कराकर अथवा लोक सेवा आयोग के माध्यम से, जैसी भी स्थिति हो, पदोन्नति कोटे की रिक्तियों को भरे जाने के सम्बन्ध में शीघ्रता से कार्यवाही करने का कष्ट करें तथा इसकी समीक्षा भी प्रत्येक पक्ष में करने का कष्ट करें। चूंकि कतिपय संवर्गों में अभी अन्तिम आवंटन नहीं हुआ है और पदोन्नति कोटे की काफी रिक्तियां उपलब्ध हैं। अतः जिन संवर्गों में ऐसी स्थिति है वहां उत्तरांचल राज्य गठन से पूर्व की पारस्परिक ज्येष्ठता को ध्यान में रखते हुए अनन्तिम रूप से पदोन्नतियां इस प्रतिबन्ध के साथ कर ली जायं कि ऐसी पदोन्नति भारत सरकार द्वारा किये जाने वाले अन्तिम आवंटन के अधीन होंगी। यदि वर्तमान में उत्तरांचल में कार्यरत ऐसे कार्मिक जो उत्तरांचल राज्य को आवंटित नहीं होंगे और प्रोन्नति कर दिये जाते हैं तो उन्हें उत्तर प्रदेश अन्तिम रूप से आवंटित होने पर प्रत्यावर्तित करके उत्तर प्रदेश राज्य के लिए अवमुक्त किया जा सकेगा और उसके लिए उन्हें कोई क्षतिपूर्ति देय नहीं होगी। इसी प्रकार उत्तर प्रदेश में कार्यरत परन्तु उत्तरांचल राज्य को अन्तिम रूप से आवंटित कार्मिक, अन्तिम रूप से आवंटन के पश्चात् उत्तरांचल राज्य में सुलभ होने पर अपनी ज्येष्ठता के अनुरूप पदोन्नति पाने के हकदार होंगे। यदि उससे कनिष्ठ कार्मिक उत्तरांचल में पूर्व से पदोन्नति पा चुके हों और यदि पद उपलब्ध नहीं है तब कनिष्ठतम कार्मिक को प्रत्यावर्तित करके वरिष्ठ कार्मिक को पदोन्नति दिये जाने हेतु विचार किया जायेगा और कनिष्ठ कार्मिक को प्रत्यावर्तन पर कोई क्षतिपूर्ति देय नहीं होगी।

3-अतः आपसे अनुरोध है कि कृपया उपरोक्तानुसार अपने नियंत्रणाधीन विभागों में पदोन्नति कोटे की रिक्तियों के सम्बन्ध में समीक्षा करते हुए विवरण तैयार कराने का कष्ट करें और समीक्षा के उपरान्त प्रत्येक पक्ष की समाप्ति पर कार्मिक विभाग को सूचना उपलब्ध कराने का कष्ट करें।

भवदीय,
नृप सिंह नपलच्याल,
प्रमुख सचिव।”

The underlined parts of above GO makes it clear that the State Government by formulating a policy, allowed its Departments to fill up the vacancies under promotion quota on the basis of the

tentative allocation and the seniority which existed prior to 09.11.2000 subject to final allocation by the Government of India.

12. After the final allocation was made by the Government of India on 18.5.2004, the Government vide its letter dated 19.6.2007 directed to the Commissioner, Tax to review the promotions of Senior Assistants made on 3.11.2001 in the light of available vacancies after the final allocation keeping in view the reservation of SCs and STs. The letter dated 19.06.2007 is reproduced below:

“संख्या-210/xxii(8)/वाणि0कर/2007

प्रेषक,

एल0एम0पन्त,
अपर सचिव,
उत्तराखण्ड शासन।

सेवा में,

आयुक्त कर,
उत्तराखण्ड शासन, देहरादून।

वित्त-अनुभाग-8

देहरादून: दिनांक 19 जून, 2007

विषय- वाणिज्य कर विभाग में कार्यरत अनुसूचित जनजाति के कार्मिकों को प्रशासनिक अधिकारी, ग्रेड-2 वाणिज्य कर अधिकारी, श्रेणी-2 के पदों पर पदोन्नति दिये जाने के संबंध में प्रत्यावेदन का निस्तारण।

महोदय,

उपर्युक्त विषयक वाणिज्य कर विभाग में कार्यरत अनुसूचित जनजाति के कार्मिकों द्वारा प्रशासनिक अधिकारी, ग्रेड-2 वाणिज्य कर अधिकारी, श्रेणी-2 के पदों पर पदोन्नति दिये जाने के संबंध में समय-समय पर आपको एवं शासन में दिये गये प्रत्यावेदनों के सम्यक निस्तारण हेतु अपर सचिव, वित्त के कार्यालय कक्ष में कार्मिक विभाग व आयुक्त, कर मुख्यालय के अधिकारियों की उपस्थिति में सम्पन्न बैठक दिनांक 7.6.2007 में उप सचिव, वित्त एवं प्रत्यावेदकगणों के द्वारा प्रतिभाग किया गया।

2- बैठक में नियमानुसार यह माना गया कि भारत सरकार के स्तर से वाणिज्य कर विभाग, उत्तराखण्ड के लिये राज्य गठन की तिथि से किये गये अंतिम आवंटन के आधार पर ही विभाग में तत्समय पदों की उपलब्धता एवं रिक्तियां आगणित की जायेंगी। राज्य गठन की तिथि को वाणिज्य कर विभाग,

उत्तराखण्ड को वरिष्ठ सहायक के आवंटित 52 पदों के सापेक्ष 49 वरिष्ठ सहायकों का आवंटन किया गया। अतः इस समय वरिष्ठ सहायक की मात्र 03 रिक्तियां थी, जबकि विभाग में कतिपय शर्तों/प्रतिबन्धों के अधीन दिनांक 3.11.2001 को वरिष्ठ सहायक के 17 पदों पर पदोन्नतियों की गयीं और विभाग में इसी प्रकार अग्रतर भी पदोन्नतियों की गईं।

3— विषयगत संदर्भ में शासन स्तर पर हुये विचार –विमर्श के उपरान्त मुझे यह कहने का निदेश हुआ है कि भारत सरकार के स्तर से वाणिज्य कर विभाग, उत्तराखण्ड के लिये राज्य गठन की तिथि से किये गये अंतिम आवंटन के आधार पर पदों की उपलब्धता एवं रिक्तियों के आधार पर विभाग में लिपिकीय/अन्य संवर्ग में की गयी पदोन्नतियों को भारत सरकार के स्तर से पूर्वगामी तिथि से हुये अंतिम आवंटन का संज्ञान लेते हुये पदों की वास्तविक उपलब्धता के दृष्टिगत समायोजित/पुनरीक्षित किये जाने की आवश्यकता है। अतः लिपिकीय पदों के संबंध में विगत में हुये चयन /पदोन्नतियों का यथावश्यक समायोजन/पुनरीक्षण कराते हुये नियमानुसार कार्यवाही करने का कष्ट करें। प्रश्नगत समायोजन/पुनरीक्षण के फलस्वरूप यदि अनुसूचित जनजाति या अन्य श्रेणी के कार्मिकों की पात्रता में कोई परिवर्तन होता है तो वाणिज्य कर अधिकारी श्रेणी –2 के संदर्भ में भी परिवर्तित स्थिति से शासन को अवगत कराने का कृपया कष्ट करें।

भवदीय

(एल0एम0पन्त)
अपर सचिव।”

13. In pursuant to the direction of the State Government as per letter above, the Department of Commercial Taxes held a meeting of the Departmental Selection Committee on 27.06.2007 and the main findings of the Committee (R-12 Documents of respondents) are given below:-

- (i) Vide letter of U.P. Government dated 6.11.2000 (Annexure:8), 52 posts of Senior Assistant were transferred to the State of Uttarakhand. Government of Uttarakhand sanctioned 2 new posts of Senior Assistant vide letter dated 16.6.2001 (Annexure: 9). Thus, at the time of making promotions from Senior Clerk to Senior Assistant on

3.11.2001, total 54 posts of Senior Assistant were available. As per reservation roster, out of these 54 posts, 11 posts were for SC candidates, 2 for ST candidates and 41 for General candidates. As per final allocation by the Government of India on 18.05.2004 (Annexure:12) which came into effect from 9.11.2000, 49 Senior Assistants were allotted to Uttarakhand State. **Thus, after the review, the committee reached the conclusion that there were only 5 vacancies of Senior Assistants available at the time of making promotion on 3.11.2001.** Out of 49 Senior Assistant provided to the State of Uttarakhand in final allocation, there were 5 SC, 15 ST and 29 General category Senior Assistants. Category-wise, only 5 were provided against 11 SC, 29 against 41 General and 15 against 2 ST Senior Assistants in the final allocation. Thus, 6 SC and 12 General category vacancies were available but 13 ST category Senior Assistants were surplus on 3.11.2001. After the review, the DPC decided to fill up 5 vacancies existing on 3.11.2001 by promoting Senior Clerk of SC category only to the posts of Senior Assistant in order to make up short-fall in SC quota. Respondents no. 8, 9, 17, 18 and 19 who belong to SC were recommended for promotion from Senior Clerk to Senior Assistant with effect from 3.11.2001. Even after that, there was a short-fall of one in SC quota. Only 10 out of 11 SC category vacancies could be filled up.

- (ii) The Commercial Taxes Department made regular promotion of 8 Senior Assistants of clerical cadre to the post of Trade Tax Officer Grade-II in consultation with the Uttarakhand Public Service Commission on 4.1.2003 as per “ The Uttar Pradesh (Sales Tax Officers Grade II) Service Rules, 1983” (Applicable in Uttarakhand State). **Therefore, 8 vacancies of Senior Assistant further occurred on 4.1.2003.** Out of Senior Assistants promoted, 6 were of General and 2 were of SC category. There was already a short-fall of 1 SC

category Senior Assistant as per Reservation Roaster. Therefore, while reviewing the promotion made on 3.11.2001 as per actual vacancies after the final allocation, 5 General and 3 SC category vacancies as on 4.1.2003 were considered for promotion from Senior Clerk to Senior Assistant by the Departmental Selection Committee and respondents no. 4,5,6 and 13 belonging to general category and respondents no. 10,11 and 14 of SC category along with one more eligible employee namely Sri Kundan Lal Shah of general category were recommended for promotion to the posts of Senior Assistant with effect from 4.1.2003.

- (iii) The Department made further regular promotion of 8 Senior Assistants of clerical cadre to the post of Trade Tax Officer Grade II in consultation with the Uttarakhand Public service Commission on 29.4.2003. All these 8 posts of Trade Tax Officer Grade-II were against the vacancies of general category and, therefore, all these promotions were made out of Senior Assistants of general category. **Therefore, 8 vacancies of general category Senior Assistants occurred on 29.4.2003.** Reviewing the promotion as per actual vacancies after the final allocation, 8 general category vacancies as on 29.4.2003 were considered for promotion from Senior Clerk to Senior Assistant by the Departmental Selection Committee and respondents no. 7,12,15 and 16 of general category along with four other eligible general category Senior Clerks were recommended for promotion to the post of Senior Assistant with effect from 29.4.2003.

On the basis of the recommendations of the Departmental Selection Committee as mentioned in para 13 above, the regularization order was issued by the Government on 7.8.2007(Annexure: 5). In this regularization order, after reviewing the promotions of Senior Clerks to the post of Senior Assistant made between 09.11.2000 and 18.05.2004, the dates from which the promotions are to be given

effect were determined based on the dates of occurrence of vacancies.

14. Learned counsel for the petitioners has argued that the regularization order dated 7.8.2007 is irregular and illegal as no provision exists in any Rule which permits such a regularization. He has also stated that the promotions made on 3.11.2001 were regularized on 7.8.2007 retrospectively and with different dates which is not supported by any law or rules. Learned APO has contended that the private respondents were promoted on 3.11.2001 against the vacancies which existed at that point of time. The allocation at that time was tentative and the number of Senior Assistants actually working in Uttarakhand at that time was much less than that of sanctioned posts under tentative allocation. Under those circumstances, promotions were made to the post of Senior Assistant based on the actual short-fall, the promotions were conditional and subject to final allocation. After the final allocation, when the position became clear in regard to total number of sanctioned posts of Senior Assistant , actual number of the vacancies and the list of employees provided to the State of Uttarakhand, the whole matter was reviewed as per direction of the Government dated 19.6.2007 and based on this review, the dates of promotions of Senior Assistants made on 3.11.2001 were revised as per the regularization Order dated 7.8.2007 as the promotions made by order dated 3.11.2001 were subject to final allocation. Learned A.P.O. has, therefore, contended that there is no illegality in the whole process of promotions and their regularization.

15. The perusal of record by us reveals that the promotions made to the post of Senior Assistant were in accordance with the provisions of the Service Rules, but the promotions were made calculating the vacancies as per actual number of Senior Assistants working in Uttarakhand on 3.11.2001. Since final allocation was done on 18.05.2004, the actual number of vacancies could be determined only after that. It is because of this reason that the promotion order of 3.11.2001 was made conditional, subject to change/modification and

reversion of employees depending on sanctioned posts and actual vacancies which would emerge after the final allocation. **The final allocation was made by the Government of India on 18.5.2004 but it was given effect from the date of creation of Uttarakhand State i.e. 9.11.2000. Therefore, actions which had been taken between 9.11.2000 and 18.5.2004 were required to be reviewed in the light of the final allocation. As the promotion order dated 3.11.2001 was made subject to final allocation; later on the promotions were reviewed after the final allocation; and the dates of promotions were modified based on actual vacancies as a result of final allocation, we find that the whole exercise is within the scheme of re-organization and should be seen as a whole rather than in pieces or parts. After the final allocation, a backward exercise was made in the light of the condition imposed in the promotion order dated 3.11.2001 itself and the promotion order was revised and effective dates of promotion modified. Since the final allocation was done with retrospective effect, the regularization after the review exercise was also needed to be made with retrospective effect.**

16. It is also relevant to note that under the U.P. Sales Tax Department Ministerial Service Rules, 1973 (applicable in Uttarakhand State), there is a provision of ad hoc promotions under Rule 21 and continuance of these promotions is subject to selection by the Departmental Selection Committee. By perusing the record, we find that the review after final allocation makes it clear that there were not 17 vacancies as on 3.11.2001. There were only 5 substantive vacancies on that date and, therefore, only 5 promotions could have been made. As the promotion order dated 3.11.2001 was subject to final allocation, only 5 promotions were recognized by the Departmental Selection Committee from 3.11.2001. Another set of 8 substantive vacancies occurred on 4.1.2003 and in the light of final allocation, 8 promotions were recognized by the Departmental Selection Committee w.e.f. 4.1.2003 which included 7 private respondents. The promotion of 7 private respondents can be treated as promotion against substantive vacancies

w.e.f. 4.1.2003 only and the period from 3.11.2001 to 3.1.2003 cannot be counted for seniority purpose. The Promotion of these 7 private respondents in the absence of vacancies for them from 3.11.2001 to 3.1.2003 was adhoc promotion and for this period (3.11.2001 to 3.1.2003), they could not be entitled for seniority. Further set of 8 substantive vacancies occurred w.e.f. 29.4.2003 and, therefore, 8 promotions were recognized by the Departmental Selection Committee w.e.f. 29.4.2003 which included 4 private respondents. The promotion of these 4 private respondents can be treated as substantive promotion w.e.f. 29.4.2003 only and the period from 3.11.2001 to 28.4.2003 cannot be counted for seniority purpose. The promotion of these 4 private respondents in the absence of vacancies for them from 3.11.2001 to 28.4.2003 was adhoc promotion and for this period (3.11.2001 to 28.4.2003), they could not be entitled for seniority. **The net result of review exercise done after the final allocation is that 5 private respondents get promotion from 3.11.2001, 7 respondents from 4.1.2003 and 4 respondents from 29.4.2003. In so far as seniority is concerned, private respondents do not get seniority from 3.11.2001. 5 respondents get seniority from 3.11.2001, 7 respondents get seniority from 4.1.2003 and 4 respondents get seniority from 29.4.2003, the dates when vacancies occurred for them. When Government direction dated 19.06.2007 (reproduced in paragraph 12 of this order), minutes of the meeting of the Departmental Selection Committee dated 27.06.2007 (R12-documents of respondents) and regularization order dated 7.8.2007 are read together, we find that the regularization order in question is not a regularization of promotions as such, it, in fact, is a regularization of dates of promotions made in excess of vacancies which were finally determined after the final allocation. We are of the opinion that this review exercise does not violate any rule or law and it was in accordance with the GO dated 15.09.2004 (reproduced in paragraph 11 of this order) and Rule 21 of the Service Rules mentioned above. We find that the promotions made on 3.11.2001 were made strictly in accordance with the relevant rules and the seniority has been**

given to all the promotees from the dates when substantive vacancies had become available. In the catena of decisions, the Hon'ble Supreme Court has held that if promotions are made in accordance with rules but in excess of vacancies of the promotional quota, the promotions will not be illegal but the promotees will get seniority only from the date when vacancies are available in the promotion quota.

OUR CONCLUSIONS ON POINTS (I) AND (II)

17. In view of discussion in paragraphs 8 to 16 above, we hold that the promotion of respondents on the post of Senior Assistant vide order dated 03.11.2001 (Annexure: 2) is not illegal and the regularization order dated 07.08.2007 (Annexure: 5) which determines the dates from which promotions of the respondents will be given effect (i.e. the dates when vacancies occurred) is also not illegal. Both orders dated 3.11.2001 and 7.8.2007 are in order. Points (I) and (II) are decided accordingly.

POINT NO. III- WHETHER PETITIONERS ARE AGGRIEVED PARTIES AND THEIR CLAIM FOR PROMOTIONS IS TENABLE?

18.1 The petitioners in their claim petition have sought the relief-2 which reads as under:

“Quash the order no. 3689/आयुक्तकउत्तरा स्था० अनु०/व्या०कर /04-05 dated 01.03.05 Annexure No. 3 by which the illegally promoted Senior Assistants have been promoted on the post of Office Superintendent without consideration of names of the petitioners”.

Vide order dated 01.03.2005 (Annexure: 3), the Department of Commercial Taxes had promoted 5 Senior Assistants to the post of Office Superintendent. Learned counsel for the petitioners has argued that the

names of the petitioners were not considered for promotion on the post of Office Superintendent. The contention of the learned counsel for the petitioners is that all the petitioners were eligible to be considered for promotion on the post of Office Superintendent in general category as well as in the reserved category of Schedule Tribe. Instead of promoting the petitioners, the State respondents have promoted the respondents no. 7,12,13,15 and 16 on the post of Office Superintendent inspite of the fact that the promotion of these respondents on the post of Senior Assistants on 03.11.2001 itself was illegal as they were promoted on non-sanctioned and non-existing posts.

18.2 The promotion of private respondents on the post of Senior Assistant vide order dated 03.11.2001 (Annexure: 2) has already been discussed in paragraphs 8 to 16 above and it has been found that their promotion as well as dates of regularization from which their promotions are to be given effect have been found in order as concluded in paragraph 17 of this order. Accordingly, there is no infirmity in the promotion of respondents no. 7,12,13,15 and 16 from the post of Senior Assistant to Office Superintendent vide order dated 01.03.2005.

19.1 We have also examined the claim of petitioners for promotion on the posts of Office Superintendent assuming that the promotions of respondents on the post of Senior Assistant on 3.11.2001 were not in order.

19.2 At the time of promoting Senior Assistants on the posts of Office Superintendent in 2005, total 10 sanctioned post of Office Superintendents were available and according to the reservation roaster, 8 posts were for General Category candidates and remaining 2 posts for Scheduled Caste category candidates. As per reservation roaster, there was no post available for Scheduled Tribe category candidates (R10-documents of respondents). We, therefore, find that since there was no post available for Schedule Tribe category, the petitioners could not be

considered for promotion on the post of Office Superintendent against ST quota as per reservation roaster.

19.3 On perusal of the record made available to us, it is revealed that the petitioners were also not eligible to be considered for promotion on the post of Office Superintendent in General Category against unreserved vacancies. As per Annexure: 2B to the claim petition, 26 employees (23 General and 3 Scheduled Caste) were promoted on the post of Senior Assistant on 18.03.2004. The inter-se seniority among the employees in the clerical cadre is determined according to the substantive appointment on the initial post of Junior Clerk. While these 26 employees were appointed as Junior Clerk in 1976 and 1977, the petitioners were appointed on the post of Junior Clerk in 1993. These 26 employees were senior to the petitioners when initial appointments on the post of Junior Clerks were made. The petitioners got accelerated promotion against ST quota as per reservation roaster on the post of Senior Assistant in 1997-1999 and above mentioned 26 employees (23 General category and 3 SC Category) were promoted on the post of Senior Assistant later on 18.03.2004 when the vacancies in their respective category occurred. Admittedly, the Government of Uttarakhand had provided accelerated promotion to SC and ST category but never provided consequential seniority to the reserved category employees under the Rules. Therefore, as a result of “catch up principle”, the above mentioned 26 employees regain their seniority when they were promoted on the post of Senior Assistant on 18.03.2004. In a very recent judgment of the Hon’ble Supreme Court, the catch up principle has been clarified in this context. **Hon’ble Apex Court in Civil Appeal No. 6631-6632 of 2015 (arising out of SLP (Civil) Nos. 8366-8367 of 2012), S. Panneer Selvam & Ors Vs. Government of Tamil Nadu & Ors along with other Appeals, decided on 27.08.2015 has held as under:**

“35. In the absence of any provision for consequential seniority in the rules, the ‘catch up rule’ will be applicable and the roster-point reserved

category promotees cannot count their seniority in the promoted category from the date of their promotion and the senior general candidates if later reach the promotional level, general candidates will regain their seniority. The Division Bench appears to have proceeded on an erroneous footing that Article 16 (4A) of the Constitution of India automatically gives the consequential seniority in addition to accelerated promotion to the roster-point promotees and the judgment of the Division Bench cannot be sustained”.

Rule 6 and its ‘Explanation’ of the Uttarakhand Government Servants Seniority Rules, 2002 has already recognized the “principle of regaining the seniority” which reads as under:

“6. Where according to the service rules, appointments are to be made only by promotion from a single feeding cadre, the seniority inter se of persons so appointed shall be the same as it was in the feeding cadre.

Explanation- A person senior in the feeding cadre shall even though promoted after the promotion of a person junior to him in the feeding cadre shall, in the cadre to which they are promoted, regain the seniority as it was in the feeding cadre.”

Thus, above mentioned 26 employees regain their initial seniority and become senior to the petitioners due to ‘catch up principle’ on 18.3.2014. As these 26 employees who were senior to the petitioners were also available on 01.03.2005 for promotion on the post of Office

Superintendent, the petitioners were not entitled to be considered and promoted on the post of Office Superintendent in General Category against unreserved vacancies as a large number of general category candidates were already available.

19.4 In view of above, there is no claim of the petitioners for their promotion on the posts of Office Superintendent as on 01.03.2005 even if private respondents No. 7,12,13,15 and 16 are excluded.

20.1 The petitioners have also sought the relief-7 in their claim petition which reads as under:

“Issue a direction to the respondent Nos. 1 to 3 to make proper determination of number of posts of a Trade Tax Officer coming under the reservation on 1st July of every selection year since 3.11.2001 up to date as per policy of State and Central Govt. declared by various orders and not to avoid the case of petitioners who belong to category of Scheduled Tribe from consideration for the purpose of promotion as to higher post of Trade Tax Officer and to grant promotions with consequential benefits on the post of Trade Tax Officer to the petitioners since the date 28.12.2004 on which the illegally promoted Senior Assistants were promoted on the post of Trade Tax Officer.”

20.2 Vide order dated 28.12.2004 (Annexure: 1), the Department of Commercial Taxes had promoted 20 employees of the clerical cadre to the post of Trade Tax Officer Grade II on adhoc basis as stop gap arrangement which included respondents No. 4,5 and 6 of General Category and respondents No. 8,18 and 19 of Scheduled Caste Category. The contention of the petitioner is that the promotion of these respondents on the post of

Senior Assistant on 3.11.2001 itself was illegal and, therefore, their further promotion on the post of T.T.O. Grade II is also illegal.

20.3 The promotion of private respondents on the post of Senior Assistant vide order dated 3.11.2001 (Annexure: 2) has already been discussed in paragraphs 8 to 16 above and it has been found that their promotion as well as dates of regularization from which their promotions are to be given effect have been found in order as concluded in paragraph 17 of this order. Accordingly, there is no infirmity in the promotion of respondents No. 4,5,6,8,18 and 19 from the post of Senior Assistant to the post of Trade Tax Officer Grade II vide order dated 28.12.2004.

21.1 We have also examined the claim of the petitioners for promotion on the post of Trade Tax Officer Grade II assuming that the promotions of respondents on the post of Senior Assistant on 3.11.2001 were not in order.

21.2 Learned counsel for the petitioners has argued that all the petitioners were eligible to be considered for promotion on the post of T.T.O. Grade II in the reserved category of Scheduled Tribe as well as in general category against unreserved vacancies, but he could not demonstrate as to how they are eligible. Neither in the pleadings nor at the time of hearing, no further details or explanation has been provided in this regard.

21.3 On the basis of the record made available to us, an attempt has been made to examine the claim of the petitioners for promotion on the post of T.T.O. Grade II either under ST quota or in General Category against unreserved vacancies.

21.4 The proposal of the Commissioner, Commercial Taxes vide letter dated 4.12.2008 sent to the Government (R7-documents of respondents) shows that as per the organizational structure sanctioned on

13.10.2003, the total promotion posts of Trade Tax Officer Grade II for promotion for clerical cadre are 40 and out of these as per reservation roaster 2 posts are under ST quota. The details in the said letter also reveal that against 2 posts under ST quota, 6 Scheduled Tribe officers were already working on the post of TTO Grade II. Thus, there was no vacancy for promotion for any ST candidate under ST quota. Since 6 ST officers were already working against the ST quota of 2 officers and there was no post available for ST category, the petitioners could not be considered for promotion on the post of Trade Tax Officer Grade II against the ST quota and, therefore, the claim of the petitioners for promotion under reserve category is not tenable.

21.5. Now, we would examine the claim of the petitioners for promotion in General Category against unreserved vacancies. Vide order dated 28.12.2004 (Annexure: 1), 13 Senior Assistants of General Category were promoted on the post of Trade Tax Officer Grade II. These 13 promoted Senior Assistants of General Category included private respondents No. 4, 5, and 6. Even if these 3 private respondents (of General Category) are excluded, the petitioners could not be considered for promotion because 4 Senior Assistants of ST category namely, Heera Singh Jangpangi, Chandra Singh Dhapwal, Anand Singh Rawat and Bhupendra Singh Rawat (at Serial Nos. 216,217,228 and 229 in the Seniority List- R10 annexed to the W.S.) who were senior to the petitioners were available. In addition to these 4 ST Senior Assistant, one more Senior Assistant of ST Category namely, Mrs. Meena Rana (at Serial No. 234 in the Seniority List R-10) was also available who was senior to 5 petitioners (No. 1,2,4,5 and 6) In case, it is assumed that General Category private respondents No. 4,5, and 6 were not eligible for promotion and other candidates of General Category were also not available, even then there was no claim of the petitioners for considering them for promotion as other Senior Assistants of ST category mentioned above were first entitled to be considered for promotion on these 3 posts of General Category.

21.6 In view of the above, there is no claim of the petitioners for their promotion on the post of Trade Tax Officer even if private respondents of General Category (No. 4, 5 and 6 are excluded because neither in the ST quota nor in the General quota, there was any scope for their consideration for promotion.

22. Petitioners have also sought the relief-8 in their claim petition which reads as under:

“Issue a direction to the respondents 1 to 3 to recall all the orders dated 28.12.2004 and dated 03.12.2007 as mentioned in above relief No. 3 & 4 respectively by which alleged promotions have been made on the post of T.T.O. Gd II/C.T.O. and to initiate the regular selection process for promotion of petitioners to the post of T.T.O. Gd II/ C.T.O. since the date private respondents were illegally and arbitrarily promoted on the post of Trade Tax Officer and to fill the quota up to the extent of 50% meant for the promotion for Lipik/Clerical cadre by sending the selection proceeding to the Public Service Commission Uttarakhand.”

Learned A.P.O. stated that the regular promotions of candidates belonging to clerical cadre as per their quota prescribed under the rules to the post of Trade Tax Officer Grade II have already been made as per the recommendations of the Uttarakhand Public Service Commission on 27.8.2010 (R 19-Documents of respondents). The perusal of the minutes of the selection made by the Public Service Commission (R18-Documents of respondents) reveals that the Commission in its meeting held on 10.08.2010 considered the total number of vacancies after the final allocation and also considered vacancies in SC, ST and General categories separately as per reservation roaster. The Commission did year-wise exercise for the years 2003-04, 2004-05, 2005-06, 2006-07, 2007-08 2008-09 and 2009-10. After following the procedure prescribed under the Rules, the Commission recommended the promotions to the post of Trade Tax Officer Grade II and on that basis the Government issued the promotion

order of 87 officers on 27.08.2010. The perusal of the promotion order dated 27.8.2010 reveals that the order also includes promotions of private respondents as given below:

- (i) Respondents No. 9,17 and 18-- Year 2003-04
- (ii) Respondents No. 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16 and 19-- Year 2006-07
- (iii) Respondent No. 4-- Year 2007-08

It is also to be noted that in the promotion order dated 27.08.2010, the list of 87 officers does not include any of the 6 petitioners who belong to ST category. The perusal of the proceedings of the Commission reveals that there were no vacancies of ST category in the Department in the years 2003-04 to 2009-10 to consider the petitioners for the promotion under ST quota as per reservation roaster nor they were senior enough to be considered against the unreserved vacancies. We do not find any infirmity in the promotion order dated 27.08.2010. The petitioners have also not challenged these selection and appointments made by the Government after the recommendations of the Public Service Commission on 27.08.2010. Thus, the matter of promotion to the post of TTO Grade II (now known as CTO Grade II) has attained finality. The petitioners have themselves chosen not to agitate further and, therefore, the petitioners are not aggrieved parties. Therefore, the contention of the petitioners in relief-8 above is misconceived.

OUR CONCLUSION ON POINT (III)

23. In view of discussion in paragraphs 18 to 22 above, we hold that the petitioners have not been able to establish their claim for promotion to the post of Office Superintendent (on 01.03.2005) and to the post of Trade Tax Officer Grade II (on 28.12.2004) neither under the Scheduled Tribe quota nor in General Category against unreserved vacancies. Also, after the year-wise regular promotions from 2003-04 to 2009-10 made by the Government vide order dated 27.08.2010 on the basis of the recommendations of the Uttarakhand

Public Service Commission (which have not been challenged by the petitioners), the petitioners are not the aggrieved parties under Section 4(1) of the Public Services (Tribunal) Act and their claim for the promotion is not tenable. Point No. (III) is decided accordingly.

POINT NO. IV -- WHETHER THE CLAIM PETITION IS BARRED BY THE DELAY, LACHES AND LIMITATION?

24.1 On behalf of the state, learned A.P.O has vehemently contended that the claim petition of the petitioners is barred by the delay, laches and limitation. The contention of State respondents is that the private respondents were promoted to the posts of Senior Assistant in 2001 and the petitioners have filed this claim petition, challenging the said promotions, before this Tribunal in 2011. Thus, there is a delay of nearly 10 years in filing the claim petition without any proper and legal explanation for inordinate delay. State respondents also relied upon the provisions of Section 5(1) (b) of the Uttarakhand Public Services (Tribunal) Act which prescribes that the period of limitation shall be one year. Learned A.P.O. also stated that the Apex Court in a number of cases has held that the delay or laches without proper explanation to the satisfaction of the Court or Tribunal is alone sufficient to dismiss the petition.

24.2 Learned counsel for the petitioners refuted the contention of learned A.P.O. and stated that before filing this claim petition, the petitioners had approached Hon'ble High Court at Nainital and the Hon'ble High Court relegated the matter to the Tribunal and there is no violation of 'limitation' in filing the claim petition before the Tribunal. The paragraph 3 of the claim petition in this regard reads as under:

"3. LIMITATION

The petitioner further declares that the petitioners have earlier approached Hon'ble High Court Uttarakhand vide writ petition no. 33 (s/s) of 2008 in time but Hon'ble High Court Uttarakhand vide its order dated 07.01.2011 has directed the petitioners to approach this Hon'ble Tribunal to avail the

alternative remedy and as such there is no violation of Limitation in filing this reference petition. A copy of the order dated 07.01.2011 has been filed as Annexure No. 7 here with this petition.”

24.3 The operative part of the order of the Hon’ble High Court at Nainital (Annexure: 7) is as under:

*“The writ petition involves disputed question of fact and as various promotions which have been made to the post of Commercial Trade Tax Officer Grade –II were on adhoc basis, thus the matter is liable to be relegated before the Public Services Tribunal Uttarkahand. There is efficacious alternative remedy available to the petitioners to approach the Public Services Tribunal for the redressal of their grievance. The Division Bench of this Court in the case of **Buhwan Chandra Pandey Vs. State of Uttaranchal and others reported in 2006(2) U.D. 439**, has held that normally the High Court should not interfere if there is an adequate efficacious remedy available to the petitioners and that too when the factual position is not clear.*

In the aforesaid facts and circumstances of the case the writ petition cannot be entertained under Article 226 of the Constitution of India and the same is liable to be relegated to the Public Services Tribunal Uttarakhand.

Accordingly, the matter is relegated to Public Services Tribunal Uttarakhand for decision. The parties are directed to appear before the Public Services Tribunal on 17.01.2011. Both the parties may also file further evidence in support of their claim before the Tribunal for just decision of the case. Record of the petition be also remitted to the Tribunal.

With the above observation, the writ petition stands disposed of finally.

Dated: 7-1-2011

(B.S.Verma, J.)”

24.4 Before we examine the issue of delay, laches and limitation in the light of the order of the Hon'ble High Court at Nainital (Annexure: 7), it would be appropriate to look at the relevant reliefs which the petitioners have sought in this claim petition:

“RELIEF TO BE CLAIMED

It is therefore respectfully prayed this Hon'ble Tribunal may graciously be pleased to

1. ***Quash the order no. 3211-आयु0 कर उत्तरा: स्था0 2001-2002 dated 3.11.2001, AnnexureNo-2 by which the private respondents have been illegally promoted on the non-existent & non-sanctioned posts of Senior Assistant.***
2. ***Quash the order no. 3689/आयु0क0उत्तरा स्था0 अनु0/व्या0कर /04-05 dated 01.03.05 Annexure No. 3 by which the illegally promoted Senior Assistants have been promoted on the post of Office Superintendent without consideration of names of the petitioners.***
3. ***Quash the order no. 1471/XXVII(5)/व्या0कर0/04 dated 28.12.2004, Annexure No. 1 to the extent of the promotions granted to Senior Assistants occupying position at Sl. No. 10,11,13,17, 18 and 19 there in the order and who were promoted as Senior Assistants on the non-sanctioned and non-existent posts of Senior Assistant.***

.....

7. ***Issue a direction to the respondent Nos. 1 to 3 to make proper determination of number of posts of a Trade Tax Officer coming under the reservation on 1st July of every selection year since 3.11.2001 up to date as per policy of State and Central Govt. declared by various orders and not to avoid the case of petitioners who belong to category of Scheduled Tribe from consideration for the purpose of promotion as to higher post of Trade Tax Officer and to grant promotions with consequential benefits on the post of Trade Tax Officer to the petitioners since the date 28.12.2004 on***

which the illegally promoted Senior Assistants were promoted on the post of Trade Tax Officer.

.....”

24.5 We have gone through the order of the Hon’ble Uttarakhand High Court carefully and we find that the Hon’ble High Court has not dealt with the issue of delay, laches and limitation in its order and no direction has been given by the Hon’ble High Court on the issue of “limitation” or “condonation of delay.”

24.6 We have also gone through the “relief” sought by the petitioners in the writ petition filed before the Hon’ble High Court and also the “relief” sought by the petitioners in the claim petition before the Tribunal. The relief to seek quashing of adhoc promotions as stop gap arrangement to the post of Trade Tax Commissioner Grade II dated 28.12.2004 has been claimed before the Hon’ble High Court as well as before the Tribunal. The petitioners approached the Hon’ble High Court in the year 2008. **It is, therefore, clear that the petitioners have claimed this relief after more than 3 years after the promotions made on 28.12.004.**

24.7 It is also revealed by perusing the relief sought in the writ petition before the Hon’ble High Court that the petitioners did not seek relief to quash the order dated 1.3.2005 by which promotions of 5 private respondents were made from the post of Senior Assistant to the post of Office Superintendent (Annexure: 3). **The relief to quash the said order dated 1.3.2005 was sought first time through the present claim petition (Relief No. 2) in 2011 after nearly 6 years of the promotion order dated 1.3.2005.**

24.8 It is further revealed by perusing the relief sought in the writ petition before the Hon’ble High Court that the petitioners did not seek relief to quash the order dated 3.11.2001 by which promotions of all the 16 private respondents were made from the post of Senior Clerk to the post of Senior Assistant (Annexure: 2). **The relief to quash the said order dated**

3.11.2001 was sought first time through the present claim petition after more than 9 years of the promotion order dated 3.11.2001.

24.9 It is pertinent to mention here that the claim petition of the petitioners is solely based on the promotion order of private respondents dated 3.11.2001 (Annexure: 2). The contention in the petition is that there were only 3 vacancies of Senior Assistant as on 3.11.2001 and promotion of 17 Senior Clerks (which include 16 private respondents) to the post of Senior Assistant in excess of the sanctioned posts is illegal and void abinitio. The petitioners have also challenged further promotion of 6 private respondents to the post of Trade Tax Officer Grade II on 28.12.2004 (Annexure: 1) and also the further promotion of other 5 private respondents to the post of Office Superintendent on 1.3.2005 (Annexure: 3) only because of the reason that the promotion of these respondents on 3.11.2001 itself was illegal and, therefore, their further promotions were also illegal. Thus, the claim petition of the petitioners is entirely based on the order dated 3.11.2001 which has been challenged by the petitioners after more than 9 years as mentioned earlier.

24.10 It is clear from above that there is considerable delay in challenging various orders and claiming relief by the petitioners. It is settled law that the question of delay is one of the reasons to be considered to decide whether any relief can be granted to the aggrieved party. In the case in hand the petitioners have contended that the Hon'ble High Court had relegated the matter to the Tribunal in 2011 and immediately after that the petitioners had filed the present claim petition. As we have noticed earlier, the petitioners approached the Hon'ble High Court in 2008, challenging the order of 2004. Apart from this, the petitioners have also challenged orders of 2001 and 2005 for the first time in 2011 in the present claim petition. Under these circumstances, the explanation of delay that the proceedings were pending before the Hon'ble High Court and the case was relegated to the Tribunal in 2011 is far from convincing. The Hon'ble High Court neither dealt with the issue of delay nor any

direction was given by it on the issue of delay, laches and limitation or condonation of delay. Moreover, the quashing of orders dated 1.3.2005 and 3.11.2001 were not raised in the Writ Petition and these were not before the Hon'ble High Court for consideration.

25.1 The petitioners have also contended in the claim petition in paragraph 4.53 that a representation was filed by the petitioners on 5.8.2004 (Annexure: 18) against the illegal promotions and unfair treatment given to the petitioners. We have perused the said representation and find that no where any order has been challenged in it. In this representation only some suggestions to fill up the promotional posts have been given and a request has been made to expedite the process of promotions. **This representation dated 5.8.2004 is of no value to explain the delay in filing the present claim petition.**

25.2 The petitioners have also contended in paragraph 4.53 about another representation dated 30.07.2007 (Annexure: 19) addressed to the Commissioner, Tax. In this representation, the petitioners have requested to expedite the disposal of the direction of the Government vide letter dated 19.6.2007 (reproduced in paragraph 12 of this order). There is no specific prayer in this representation also.

25.3 It is a settled law that mere submission of representations does not arrest time. **Hon'ble Apex Court in case of State of Uttaranchal and Another Vs. Shiv Charan Singh Bhandari and others (2013)12 SCC, 179, MANU/SC/0882/2013** has held that representation of a stale or dead issue cannot be considered a sufficient ground to condone the delay. Hon'ble Supreme Court held as under:

“13. We have no trace of doubt that the respondents could have challenged the ad hoc promotion conferred on the junior employee at the relevant time. They chose not to do so for six years and the junior employee held the promotional post for six years till regular promotion took

place. The submission of the learned counsel for the respondents is that they had given representations at the relevant time but the same fell in deaf ears. It is interesting to note that when the regular selection took place, they accepted the position solely because the seniority was maintained and, thereafter, they knocked at the doors of the tribunal only in 2003. It is clear as noon day that the cause of action had arisen for assailing the order when the junior employee was promoted on ad hoc basis on 15.11.1983. **In C. Jacob v. Director of Geology and Mining and another[(2008)10 SCC 115]**, a two-Judge Bench was dealing with the concept of representations and the directions issued by the court or tribunal to consider the representations and the challenge to the said rejection thereafter. In that context, the court has expressed thus: -

“Every representation to the Government for relief, may not be replied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim.”

“14. In Union of India and others v. M.K. Sarkar[(2010)2 SCC 59], this Court, after referring to C. Jacob (supra) has ruled that when a belated representation in regard to a “stale” or “dead” issue/dispute is considered and decided, in compliance with a direction by the court/tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the “dead” issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the

original cause of action and not with reference to the date on which an order is passed in compliance with a court's direction. Neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches."

"15.The dead cause of action cannot rise like a phoenix. Similarly, a mere submission of representation to the competent authority does not arrest time."

"17. In Bharat Sanchar Nigam Limited v. Ghanshyam Dass (2) and others[(2011)4 SCC 374], a three-Judge Bench of this Court reiterated the principle stated in Jagdish Lal v. State of Haryana[(1977)6 SCC538] and proceeded to observe that as the respondents therein preferred to sleep over their rights and approached the tribunal in 1997, they would not get the benefit of the order dated 7.7.1992."

"18. In State of T.N. v. Seshachalam[(2007)10 SCC 137], this Court, testing the equality clause on the bedrock of delay and laches pertaining to grant of service benefit, has ruled thus: -

".....filing of representations alone would not save the period of limitation. Delay or laches is a relevant factor for a court of law to determine the question as to whether the claim made by an applicant deserves consideration. Delay and/or laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India would not, in a situation of that nature, be attracted as it is well known that law leans in favour of those who are alert and vigilant."

25.4 In view of decisions in paragraph 25.3 above, in the case in hand, mere making the representations by the petitioners is not a sufficient ground to explain the delay in filing the claim petition.

26.1 In the present case, the petitioners' sole contention is to quash the promotions of private respondents made on 3.11.2001 (Annexure: 2). All further promotions of the private respondents had been challenged by the petitioners on the basis of promotions made on 3.11.2001. All other prayers of quashing various orders are the consequence of the promotion order dated 3.11.2001. We are of the opinion that the long standing promotions made on 3.11.2001 cannot be questioned in 2011 at such a belated stage as these had been given effect throughout the period. There is cascading adverse effect also on other promotions of other employees made between 3.11.2001 and 2011 if promotions of 3.11.2001 are disturbed after so long time. The Hon'ble Apex Court in the case of **Union of India Vs. Tarsen Singh, 2008(8) SCC 648** in paragraph 7 has held as under:

“7. To summarize, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exception to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury.

But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the re-opening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or re-fixation of pay or pension,

the relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied..... ”

26.2 The Hon’ble Supreme Court in **Shiba Shankar Mohapatra and Others Vs. State of Orrisa and Others 2010(12) SCC 471** has also held that claim for seniority and promotion cannot be permitted at a belated stage as it seeks to disturb the vested rights of other persons which have occurred to them during the intervening period. The relevant paragraphs of this order are reproduced below:

*“16. The question of entertaining the petition disputing the long standing seniority filed at a belated stage is no more res integra. A Constitution Bench of this Court, in **Ramchandra Shanker Deodhar & Ors. V. State of Maharashtra & Ors. AIR 1974 SC 259**, considered the effect of delay in challenging the promotion and seniority list and held that any claim for seniority at a belated stage should be rejected inasmuch as it seeks to disturb the vested rights of other persons regarding seniority, rank and promotion which have accrued to them during the intervening period. A party should approach the Court just after accrual of the cause of complaint. While deciding the said case, this Court placed reliance upon its earlier judgments, particularly in **Triokchand Motichand v. H.B.Munshi, AIR 1970 SC 898**, wherein it has been observed that the principle, on which the Court proceeds in refusing relief to the petitioner on the ground of laches or delay, is that the rights, which have accrued to others by reason of delay in filing the writ petition should not be allowed to be disturbed unless there is a reasonable explanation for delay. The Court further observed as under:-*

“A party claiming fundamental rights must move the Court before others’ rights come out into existence. The action of the Courts cannot harm innocent parties if their rights emerge by reason of delay on the part of person moving the court.”

*“17. This Court also placed reliance upon its earlier judgment of the Constitution Bench in **R.N. Bose v. Union of India & Ors. AIR 1970 SC 470**, wherein it has been observed as under:*

“It would be unjust to deprive the respondents of the rights which have accrued to them. Each person ought to be entitled to sit back and consider that his appointment and promotion effected a long time ago would not be defeated after the number of years.”

*“28. It is settled law that fence-sitters cannot be allowed to raise the dispute or challenge the validity of the order after its conclusion. No party can claim the relief as a matter of right as one of the grounds for refusing relief is that the person approaching the Court is guilty of delay and the laches. **The Court exercising public law jurisdiction does not encourage agitation of stale claims where the right of third parties crystallises in the interregnum.**”*

26.3 In the case in hand, we find that between 3.11.2001 and 2011 many further promotions of private respondents as well as others have taken place. Finally, regular promotions of 87 officers on the post of Trade Tax Officer Grade II have been made for the years 2003-04 to 2009-10 by the Government (on the recommendation of the Uttarakhand Public Service Commission) on 27.8.2010 (details given in paragraph 22 of this order) which have not been challenged by the petitioners and, therefore, these promotions have attained finality. In view of decisions in paragraphs 26.1 and 26.2 above, we find that it is not possible to unsettle

the settled matters. The claim of the petitioners cannot be allowed at a belated stage as vested rights of other persons have occurred between the period 3.11.2001 and 2011. It would be unjust to disturb the private respondents and others after the delay of number of years. There is no justification to re-open the issue of promotions to the post of Trade Tax Officer Grade II when they have been finalized on 27.8.2010 (and are unchallenged) because of the belated plea of the petitioners in 2011 that the promotions made on the post of Senior Assistant on 3.11.2001 were illegal.

OUR CONCLUSION ON POINT (IV)

27. In view of discussion in paragraphs 24 to 26 above, we hold that the claim petition of the petitioners is barred by the delay, laches and limitation and, therefore, the claim petition is not maintainable. Point No. (IV) is decided accordingly.

28. The learned counsel for the petitioners has referred to the following case laws:

1. (2010)1 SCC(L&S) 105, State of Rajasthan and others Vs. Jagdish Narain Chaturvedi,
2. (2011)1 SCC (L&S)750, Chairman-cum-Managing Director, Coal India Ltd. And others Vs. Ananta Saha and others,
3. 2011(4) RSJ, Dilip Kuamr Sarkar Vs. University of North Bengal and others,
4. 2011(3) RSJ, State of Orrisa & another Vs. Mamata Mohanty,
5. 1997(2)234, SLR, State of U.P. and Ors Vs. Ajay Kumar,
6. 2011(1) RSJ,565, State of Bihar Vs. Upendra Narayan Singh & others,
7. 2006(4) RSJ, 195, R.S. Garg Vs. State of U.P. and others,
8. [2011(128)FLR 928], State of Rajasthan and others Vs Daya Lal (S.C.),
9. 2011(4) RSJ,149, Jagdish Prasad Vs. State of Rajasthan,

10. (2008)1 SCC(L&S) 554, Commissioner, Municipal Corporation, Hyderabad and others Vs. P. Mary Manoranjani and another,
11. 2007(3)RSJ, Veer Kunwar Singh University Ad hoc Teachers Association and Ors Vs. Bihar State University (C.C.) Service Commission and others,
12. 2007(2) RSJ, Union of India and others Vs. Sheela Rani.

We have gone through each of above cases and find that these cases are not related to the controversy involved in the present case. The present case is related to the peculiar situation which had arisen due to bifurcation of the Uttar Pradesh State and creation of a new State of Uttarakhand. The facts and circumstances in the case at hand are entirely different and, therefore, above cases are not relevant and of no help to the petitioners.

29. In the light of discussion and findings in the preceding paragraphs, we are of the view that no relief can be granted to the petitioners. The petition is devoid of merit and the same is liable to be dismissed.

ORDER

The claim petition is hereby dismissed. No order as to costs.

JUSTICE J.C.S.RAWAT
CHAIRMAN

D.K.KOTIA
VICE CHAIRMAN (A)

DATE: MAY 17, 2016
DEHRADUN

KNP