

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

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CLAIM PETITION NO. 87/DB/2023

Smt. Shikha Negi, aged about 34 years w/o Sri mangal Singh Negi,
permanent resident of Village Kamad, Thandi, Uttarkashi,
Uttarakhand.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Ayurved Evam Unani Department, Uttarakhand Secretariat, Subash Road Dehradun.
2. Registrar, Uttarakhand Ayurved University Harrawala Dehradun, Uttarakhand.
3. Director, Uttarakhand Ayurvedic & Unani Services, Dehradun Uttarakhand.
4. President, Campus Director Uttarakhand Ayurved University Rishikul Haridwar (Committee for deciding representation against tentative seniority list).
5. Rashmi Bahuguna, wife of Ramesh Prakash Bahuguna resident of Uttarakhand Ayurved University, main campus Harrawala Dehradun.

.....Respondents

Present: Dr. N.K.Pant, Advocate, for the petitioner.

Sri V.P. Devrani, A.P.O. for Respondents No. 1 & 3.

Dr. Aparna Singh, Advocate for Respondents No. 2 & 5.

None for Respondent No.4.

JUDGMENT

DATED: APRIL 17, 2025

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioner seeks the following reliefs:

“ i) Issue an order or direction to set aside/ quash the impugned final seniority list dated 09.08.2021 passed by Respondent no. 2 qua Respondent no 5.

(ii) Issue an order or direction to quashing decision dated 05.01.2021 passed by Respondent no 4 Committee.

(iii) Issue an order or direction to respondents to issue a fresh seniority list of pharmacists who were finally allotted for Uttarakhand Ayurved University according to the final allotment order dated 18.12.2017.

(iv) Issue an order or direction which this Hon'ble Court deems fit and proper.

(v) To award the cost of the petition in favour of the applicant.”

2. The claim petition is supported by the affidavit of the petitioner. Relevant documents have been filed along with the same.

3. Claim petition has been contested on behalf of respondents. Dr. Vijay Kumar Jogdande, Director, Ayurvedic and Unani Services, Uttarakhand, Dehradun, has filed Counter Affidavit on behalf of Respondents No. 1 & 3. Separate Counter Affidavits have been filed on behalf of Respondent No. 2 and Respondent No.5. Dr. Anup Gakkhar, In-Charge Registrar, Uttarakhand Ayurved University, Harrawala, Dehradun has filed C.A. on behalf of Respondent No.2. Ms. Rashmi Bahuguna, Respondent No.5 has filed her Counter Affidavit. Relevant documents have been filed with all the C.As.

4. Petitioner and Respondent No.5, both are Pharmacists; both were the employees of Directorate, Uttarakhand Ayurvedic & Unani Services, Dehradun; services of both were merged in Uttarakhand Ayurved University, Harrawala Dehradun.

5. In the seniority list prepared by the Directorate, Uttarakhand Ayurvedic & Unani Services, Dehradun, Respondent No.5 was senior to the petitioner. In the seniority list prepared by the Uttarakhand Ayurved University Harrawala Dehradun, Respondent No.5 remains senior to the petitioner. The contention of Dr. N.K. Pant, Ld. Counsel for the petitioner is that, at the time of considering the merger, Respondent No.5 had not given option, which was, later on, taken after the cut-off-date and was wrongly made senior to the petitioner.

6. Sri V.P.Devrani, Ld. A.P.O., representing Respondent No.1 & 3 and Dr. Aparna Singh, Ld. Counsel for Respondents No. 2 & 5, both have defended the departmental action by submitting that Respondent No.5 is senior to the petitioner in the seniority list prepared by the University. In reply, Ld. Counsel for the petitioner submitted that *inter se* seniority of the petitioner and Respondent No.5 has not been determined by the competent authority, as per rules.

7. Dr. N.K.Pant, Ld. Counsel for the petitioner, Sri V.P.Devrani, Ld. A.P.O. and Dr. Aparna Singh, Ld. Counsel for Respondents No. 2 & 5, agree that the dispute may be referred to the Registrar, Uttarakhand Ayurved University Harrawala Dehradun, for determining the seniority of the petitioner *vis-à-vis* Respondent No.5, after giving opportunity of personal hearing to both of them, as per law.

8. Dr. N.K.Pant, Ld. Counsel for the petitioner, Sri V.P.Devrani, Ld. A.P.O. and Dr. Aparna Singh, Ld. Counsel for Respondents No. 2 & 5, all agree that the claim petition may be disposed of by referring the dispute of seniority of the petitioner *vis-*

à-vis Respondent No.5, to the Registrar, Uttarakhand Ayurved University Harrawala Dehradun, for determination as per law. The Tribunal agrees to their joint request for resolving the issue.

9. The claim petition is disposed of, with the consent of Ld. counsel for the parties, by directing Respondent No.2, to get the *inter se* seniority of the petitioner *vis-à-vis* Respondent No.5 determined, in accordance with law, after giving opportunity of personal hearing to both of them, as expeditiously as possible and without unreasonable delay. No order as to costs.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: APRIL 17, 2025.
DEHRADUN

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