

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

Present: Hon'ble Mr. Ram Singh

----- Vice Chairman (J)

Hon'ble Mr. D.K.Kotia

-----Vice Chairman (A)

**CLAIM PETITION NO. 30/ DB/2015**

1. Sushil Kumar Saini, aged about 37 years, presentlys posted as Assistant Engineers, Maintenance Division, Uttarakhand Jal Sansthan Pant Dweep Haridwar.
2. Ajay Kumar, aged about 33 years, presently posted as Assistant Engineers, Maintenance Division, Uttarakhand Jal Sansthan Jagjitpur, Haridwar.
3. Tarun Sharma (Assistant Engineer) aged about 31 years, presently posted as Officiating Executive Engineer, Uttarakhand Jal Sansthan, Udham Singh Nagar.
4. Ashish Bhatt aged about 32 years, presently posted as Assistant Engineers, Uttarakhand Jal Sansthan, New Tehri Garhwal.

.....Petitioners

**Versus**

1. State of Uttarakhand through Secretary Pey Jal Department, Secretariat, Dehradun.
2. Additional Chief Secretary, Pey Jal Evam Swachhta Vibhag, Secretariat, Dehradun.
3. Uttarakhand Public Service Commission, through Secretary, Gurukul Kangri, Haridwar.
4. Jagdeep Chaudhary, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Nainital.
5. Priyadarshan Singh Rawawt, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Uttarkashi.
6. Devendra Prasad Srivastav, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haridwar.
7. Suresh Thakur, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Pithoragarh.
8. Umesh Chandra Naudiyal, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block Nehru Colony Dharampur, Dehradun.
9. Shanti Prasad Semwal Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan New Tehri, Tehri Gahrwal.
10. Nand Kishore, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Almora.
11. Om Prakash Bahuguna, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Kotdwar.

12. Praveen Kumar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Pauri.
13. Dharmpal Singh Chauhan, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haridwar (Ganga).
14. Sanjay singh, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Pauri.
15. Prabhat Kumar Pandey, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haldwani.
16. Abhishek Kumar Verma, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block Nehru Colony Dharampur, Dehradun.
17. Naresh Pal Singh, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Devprayag.
18. Mukesh Kumar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Kotdwar.
19. Krishan Pal Singh, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Ramnagar.
20. Prem Ji Srivastav, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Champawat.
21. Ram Karan Verma, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Pithoragarh.
22. Ajay Pal Singh, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, 32 Rajpur Road, Dehradun.
23. J.P. Singh, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Ramnagar.
24. Virendra Singh, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Uttarkashi.
25. B.C.Pal, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Nainital.
26. H.C.Pal, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Udham Singh Nagar.
27. Ramendra Kumar Srivastav, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Udham Singh Nagar.
28. Prashant Bhardwaj, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haridwar.
29. Rajesh Kumar Nirwal, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Devprayag.
30. Neeraj Tiwari, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Bageshwar.
31. Shiv Kumar Rai, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Kotdwar.
32. Manoj Kumar Gangwar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Ramnagar.
33. Madan Sain Verma, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Udham Singh Nagar.
34. Nisha Gautam, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, 32 Rajpur Road, Dehradun.
35. Sanjay Kumar Srivastav, Assistant Engineer Waterworks C/o. Executive Engineer, Uttarakhand Jal Sansthan, Vikas Nagar, Dehradun.
36. Vinod Kumar Srivastav, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haldwani.
37. Shishupal singh, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Ramnagar.

38. Rakesh Kumar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haridwar (Ganga).
39. Arun Kumar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan (Gramin) Prakash Vihar, Dehradun.
40. Ramashankar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Uttarkashi.
41. Satyavan Singh Rawat, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Didihat.
42. Baliram Chaudhary, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Kotdwar.
43. Harish Kumar Bansal, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haridwar (Ganga)
44. Rakesh Kumar Verma, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Kotdwar.
45. Girish Chandra Bhatt, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Devprayag.
46. Dalip Singh Bisht, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Nainital.
47. Santosh Kumar Upadhyay, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haldwani.
48. Manish Semwal, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haridwar.
49. Surat Singh Kandari, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Mussoorie.
50. Sunil Tiwari, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Rudraprayag.
51. Vinod Chand Ramola, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Pitthuwala Shimla Bypass Road, Dehradun.
52. Vishal Kumar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Champawat.
53. Namit Ramola, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, New Tehri, Tehri Garhwal.
54. Pramod Kumar Tyagi, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Ramnagar.
55. Baldev Singh, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
56. Rajendra Kumar Chauhan, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
57. Satish Chandra Nautiyal, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
58. Dwearika Prasad Pokhariyal, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Pitthuwala Shimla Bypass Road, Dehradun.
59. Satendra Kumar Gupta, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Devprayag.
60. Abbal Singh Panwar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Uttarkashi.
61. Rajeev Saini, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Pauri.
62. Laxmi Chandra Ramola, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haridwar.

63. Devendra Datt Joshi, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, New Tehri, Tehri Garhwal.
64. Narendra Singh Panwar, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
65. Ashok Kumar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haridwar.
66. Yashvir Mall, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan (South) , 32- Rajpur Road, Dehradun.
67. Manoj Kumar Tamta, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Rudrapur.
68. Bilal Younus, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Didihat.
69. Rajendra Pal, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, New Tehri.
70. Ravi Shankar Losali, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haldwani.
71. Avdhesh Kumar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Ranikhet.
72. Pradeep Singh Kunwar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Mussoorie.
73. Smt. Monika Verma, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
74. Kailash Chandra Painuly, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, New Tehri.
75. Rajendra Prasad Mamgain, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
76. Kailash Singh Khati, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Ranikhet.
77. Vinod Pandey, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
78. Amit Kumar, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
79. Lokendra Singh Kumain, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Uttarkashi.
80. Vipin Kumar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Chamoli.
81. Bhupendra Singh, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Shimla Bypass Road Pitthuwalla, Dehradun.
82. Aneesh M. Pillai, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Chamoli.
83. Shubhash Chandra Juyal, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan (North) 32- Rajpur Road, Dehradun.
84. Sandeep Chaturvedi, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Chamoli.
85. Sunil Bisht, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Rudraprayag.
86. Vinesh Kumar, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.

87. Anand Mohan Kansal, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
88. Ramesh Gabriyal, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Didihat.
89. Arun Vikram Singh, Assistant Engineer C/o Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
90. Vineet Rawat, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan (North) 32- Rajpur Road, Dehradun.
91. Shyam Singh, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Uttarkashi.
92. Bansidhar, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Ranikhet.
93. Trepan Singh Rawat, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Mussoorie.
94. Chandan Singh Devri, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Almora.
95. Ravi Prakash, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Haldwani.
96. Mukesh Kumar Almora, Assistant Engineer C/o Executive Engineer, Uttarakhand Jal Sansthan, Almora.
97. Jai Prakash Jaiswal, Assistant Engineer (Retired), service through, Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
98. B.R.K. Goyal, Assistant Engineer (Retired), service through, Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
99. Prem Singh Gadia, Assistant Engineer (Retired), service through, Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
- 100 Ganesh Datt Pant, Assistant Engineer (Retired), service through, Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
- 101 Hukam Singh Pundir, Assistant Engineer (Retired), service through, Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
- 102 Govind Singh Negi , Assistant Engineer (Retired), service through, Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
- 103 Manohari Lal Bijalwan, Assistant Engineer (Retired), service through, Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
- 104 Chain Singh Bhandari, Assistant Engineer (Retired), service through, Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
- 105 Naresh Kumar Kaushik, Assistant Engineer (Retired), service through, Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.
- 106 Narendra Singh Payal, Assistant Engineer (Retired), service through, Chief General Manager, Uttarakhand Jal Sansthan, Jal Bhawan, B-Block, Nehru Colony, Dharamapur, Dehradun.

107 Uttarakhand Jal Sansthan, through Chief General Manager, Jal Bhawan, B-Block, Nehru Colony, Dehradun.

.....Respondents.

Present: Sri T.R.Joshi, Ld. Counsel  
for the petitioner.  
Sri Umesh Dhaundiyal, Ld. A.P.O.  
for the respondent Nos. 1 & 2.  
Sri Jugal Tiwari, Ld. Counsel  
for Respondent Nos.55,57,66,83 & 87.  
Sri L.K.Maithani, Ld. Counsel  
For Respondent No.107.

### **JUDGMENT**

**DATED: MAY 26, 2017**

**(Hon'ble Mr. D.K.Kotia, Vice Chairman (A))**

1. The petitioners have filed the present claim petition for seeking the following relief:

“I. To set aside/ quash the impugned order dated 04.07.2015 publishing the final seniority list of Assistant Engineers by the Respondent No.2 Additional Chief Secretary Pey Jal Evam Swachhta Vibhag, Uttarakhand Govt. in Uttarakhand Jal Sansthan and the recommendation dated 30.03.2015 made by Uttarakhand Public Service Commission Respondent No.3. Annexure- 1 & 2 to this petition.

II. To direct the Respondent No.2 to redraw the seniority list.

III. Award the cost of the petition. “

2. In this claim petition, the final seniority list of Assistant Engineers of Uttarakhand Jal Sansthan issued by the Additional chief Engineer, Drinking Water, Government of Uttarakhand vide Office Memorandum dated 04.07.2015 has been challenged (Annexure: A 1).
3. It has been contended by the petitioners that the seniority list of Assistant Engineers has been bifurcated into two seniority lists- (i) Assistant Engineers (Civil) and (ii) Assistant Engineers (Electrical and Mechanical). The plea of the petitioner is that the seniority list of Assistant Engineers has been divided into two lists of the Assistant Engineers while there is only one cadre of Assistant Engineers according to “Uttarakhand Jal Sansthan Engineering Service Rules, 2011. Hereinafter, these Rules have been referred as “Service Rules of 2011”.

The separate seniority lists of Assistant Engineers (Civil and Assistant Engineers (Electrical and Mechanical) are not in accordance with the provisions of the "Service Rules of 2011". The Assistant Engineer (Civil) and Assistant Engineers (Electrical/ Mechanical) are not separate cadres and there is only one cadre of Assistant Engineer in the "Service Rules of 2011". Thus, a combined seniority list of Assistant Engineers (Civil and Mechanical/ Electrical) should have been prepared by the respondents. It has also been contended by the petitioners that earlier seniority list issued by the respondents on 04.07.2012 (Annexure: A 5) was also a combined seniority list of Assistant Engineers of Civil/ Electrical/ Mechanical Branches. It has been stated by the petitioners that the Assistant Engineer is one cadre ( and Assistant Engineers, Civil and Assistant Engineer, Electrical/ Mechanical are not separate cadres) under the "Service Rules of 2011" and, therefore, two separate seniority lists of Assistant Engineers by the respondents vide O.M. dated 04.07.2015 are in violation of the "Rules of 2011" and liable to be quashed. Hence, the petition.

4. State Respondent Nos. 1 and 2 have not filed any written statement in spite of several adjournments taken by Learned A.P.O. from 21.08.2015 to 15.09.2016. Ultimately, the opportunity to file C.A./W.S. on behalf of respondent Nos. 1 & 2 was closed on 15.09.2016. Ld. A.P.O. appeared on several dates after closure of opportunity but no attempt was made by learned A.P.O. to file the C.A./W.S. with the prayer to re-open the opportunity. When pointed out this to learned A.P.O. on 15.11.2016, he stated that he will argue the case without filing the C.A./W.S.
5. Even after the sufficient service, none appeared on behalf of respondent Nos.3 to 106 except private respondent Nos. 55,57,66,83, 87 and Respondent No. 107, Uttarakhand Jal Sansthan and it was decided to proceed ex-parte against the private respondents who did not appear.
6. Private Respondent Nos. 55,57,66,83 and 87 have opposed the claim petition and have stated in their joint written statement and "written

submissions” thereafter, that the “Service Rules of 2011” do not apply in view of the order of this Tribunal in claim petition No. 65/2012 decided on 11.04.2014; the documents filed by the petitioners show that the seniority list dated 04.07.2015 was prepared by the respondents after a detailed and reasoned exercise; the petitioners are misinterpreting the term “combined seniority” which actually means combined seniority of directly recruited and promoted Assistant Engineers in Civil and Electrical/ mechanical branches respectively and not a joint seniority list of Assistant Engineers of all the categories taken together; the Uttarakhand Public Service Commission conducted separate examinations of two different categories of Assistant Engineers on the basis of different educational qualifications, different subjects of written examinations and separate selection lists were issued by the PSC; the quota of posts, reservation and merit lists were different for the two categories of Assistant Engineers and, therefore, two separate selections cannot be intermingled; and the appointments of Assistant Engineers were not made under the “Service Rules of 2011” but made under the Rules of 1996 (U.P. Palika and Jal Sansthan Jalkal Engineering Centralized Services Rules) which were in force in Uttarakhand till 01.12.2011 when the “Service Rules of 2011 came into force.

7. Respondent No. 107, Uttarakhand Jal Sansthan has stated in his written statement that the Uttarakhand Public Service Commission had provided separate selection lists of Assistant Engineers (Civil) and Assistant Engineers (Mechanical/ Electrical) and, therefore, the Government has issued separate seniority lists of these two categories of Assistant Engineers in place of combined seniority list of all the Assistant Engineers (Civil/ Mechanical/ Electrical). It has also been stated that the relief sought by the petitioners is not related to Respondent No. 107.
8. Petitioners have also filed the rejoinder affidavit and contentions of the private respondent Nos. 55,57, 66, 83 and 87 in their written statement



have been controverted and the contentions in the claim petition have been reiterated in it.

9. We have heard learned Counsel for the petitioners, learned A.P.O., learned Counsel for Uttarakhand Jal Sansthan and learned Counsel for the private respondents.
10. Learned A.P.O. has argued in brief and stated that the seniority list has been finalized following due procedure under the rules. Learned Counsel for the petitioners, Ld. Counsel for the private respondents and Ld. Counsel for Uttarakhand Jal Sansthan have stated in their arguments the same points which are stated in Paragraphs 3, 6 and 7 (of this order) respectively.
11. After hearing all the parties and perusing the record, we find that the only issue to be decided is whether separate seniority list of (i) Assistant Engineers (Civil) and (ii) Assistant Engineers (Electrical/ Mechanical) as prepared and finalized vide O.M. dated 04.07.2015 is in order or a combined seniority list of all the Assistant Engineers (Civil/Electrical/ Mechanical) is required to be prepared.
12. It would be appropriate to mention here that the subject matter of this claim petition is not the dispute related to the placement of the Assistant Engineers in the seniority list (whether recruited directly or by promotion) but the dispute is whether two seniority lists, one for Assistant Engineers (Civil) and another for Assistant Engineers (Electrical/ Mechanical) should be prepared or only combined seniority list of all the Assistant Engineers whether Civil/ Electrical/ Mechanical, should have been prepared. In the light of this, the decision of this Tribunal in claim petition No. 65/2012 is totally irrelevant and not at all concerned with the controversy in the case in hand.
13. In order to adjudicate upon the dispute in question, it would be appropriate to look at the relevant rules of the "Rules of 2011" which are reproduced below:

**"The Uttarakhand Jal Sansthan Engineering Service Rules, 2011**

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PART- II

### Cadre and Number of Members

4 (1) There shall be following centralized Engineering services in the Uttarakhand Jal Sansthan and name of posts shall be such as mentioned in front of that services-

- |   |       |                               |
|---|-------|-------------------------------|
| (a) Uttarakhand Jal Sansthan Engineering Service              | (i)   | Chief General Manager         |
|   | (ii)  | General Manager               |
|   | (iii) | Superintendent Engineer       |
|   | (iv)  | Executive Engineer            |
|   | (v)   | Assistant Engineer            |
| (b) Uttarakhand Jal Sansthan Subordinate Engineering Services | (i)   | Additional Assistant Engineer |
|   | (ii)  | Junior Engineer               |

(2) The number of posts in the service shall be such as sanctioned from time to time by the State Government in the structure of Uttarakhand Jal Sansthan  
Provided that .....

5.(1) The number of posts of service shall be such as created with the approval of the State Government.

(2) The detail of the posts created at present under sub-rule (1) is given in Annexure 'A'.

#### Annexure 'A'

Sl. No.	Name of Post	Pay scale (in Rupees)	Grade Pay (in Rupees)	Number of posts
1.	Chief General Manager	37400-67000	8900	01
2.	General Manager	37400-67000	8700	03
3.	Superintendent Engineer	15600-39100	7600	13
4.	Executive Engineer	15600-39100	6600	28
5.	Assistant Engineer	15600-39100	5400	112
<b>Subordinate Engineering Service</b>				
1.	Additional Assistant Engineer	9300-34800	4800	197
2.	Junior Engineer	9300-34800	4200	66"

14. It is clear from the Rules quoted in paragraph 13 above that the "Service" (with reference to the present case) under the "Service Rules of 2011" is "Assistant Engineer".

15. "Service Rules of 2011" do not recognize the "Service" as "Assistant Engineer (Civil)" or Assistant Engineer (Electrical/ Mechanical)".

16. In the light of provisions in the "Service Rules of 2011" above, there cannot be any situation where seniority list of the Assistant Engineers can be divided into two cadres – Civil and Electrical/ Mechanical.
17. It would be pertinent to mention here that in the Rules of 1996 mentioned in paragraph 6 of this order, the "Service" under the said rules is also "Assistant Engineer". The Service Rules of 1996 also do not recognize "Service" as "Assistant Engineer (Civil)" or Assistant Engineer (Electrical/ Mechanical)".
18. In view of the analysis as above, we are of the view that there cannot be separate seniority lists of (i) Assistant Engineers (Civil) and (ii) Assistant Engineer (Mechanical/ Electrical).
19. For the reasons stated above, we find that there is merit in the claim petition.
20. During the course of writing the judgment, at this stage, learned A.P.O. has stated on 25.05.2017 in the Court that the seniority list dated 04.07.2015 (Annexure: A 1) has been cancelled ;by the State respondents and a tentative seniority list has been issued on 25.04.2017 wherein a single list of all the Assistant Engineers (Civil/ Electrical/ Mechanical) has been taken for determining the seniority. Learned A.P.O. has filed the Office Memorandum dated 25.04.2017.
21. In view of Para 20 above, the State respondents are directed to finalize a single seniority list of all the Assistant Engineers in "Civil" and "Electrical/ Mechanical" branches within a period of three months from the date of this order. The petition is disposed of accordingly. No order as to costs.

**(RAM SINGH)**  
VICE CHAIRMAN (J)

**(D.K.KOTIA)**  
VICE CHAIRMAN (A)

*DATE: MAY 26, 2017*  
*DEHRADUN*

VM