

**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. 05/DB/2017

Vikram Singh Bisht, S/o Shri Bachan Bisht, Presently posted as Assistant Engineer in the Office of Engineer in Chief, Public Works Department, Uttarakhand, Dehradun, presently attached to TAC Uttarakhand Secretariat, Dehradun.

.....Petitioner

VERSUS

1. State of Uttarakhand through Secretary, Public Works Department, Government of Uttarakhand, Dehradun.
2. Engineer-in-Chief, Uttarakhand Public Works Department, Dehradun.
3. Srikant Sharma, S/o Sri Kulanand Sharma, presently posted as Officiating Executive Engineer at Asian Development Bank Division, Uttarkashi, District Uttarkashi.

.....Respondents.

Present: Sri L.K.Maithani, Ld. Counsel
for the petitioner

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

JUDGMENT

DATED: MARCH 09, 2018

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

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

I. To direct the respondents to determine the inter-se seniority of the petitioner and the respondent No. 3 in view of judgment and order dated 28.09.2011 passed by the Hon'ble High Court, Nainital.

II. To pass any other suitable order, which this Hon'ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case.

III. Award the cost of the petition to the petitioner."

2. The petitioner was appointed as Junior Engineer in 1985 in Public Works Department of the State Govt. in U.P. and his services were regularized under the U.P. Regularization of Ad-hoc Appointments (on Posts within the purview of the Public Service Commission) Rules, 1979. A final seniority list was issued by the Respondent No. 2 on 01.10.2009 (Annexure: A-1). This seniority list was challenged by some other Junior Engineers before the Hon'ble High Court of Uttarakhand at Nainital in Writ Petition No. 178 of 2010 (S/B), Vishwa Nath Semwal and others Vs. State of Uttarakhand and others. The Hon'ble High Court decided the writ petition on 28.09.2011 (Annexure: A-3). In pursuant to the judgment of the Hon'ble High Court, the respondents modified the seniority list on 28.03.2014 (Annexure: A-5). The petitioner has contended that his seniority *vis-à-vis* Private Respondent No. 3 should have been re-determined as per the order of the Hon'ble High Court dated 28.09.2011.

3. Learned counsel for the petitioner has submitted that the petitioner had made a representation to Respondent No. 2 on 04.06.2014 (Annexure: A-6) but no decision has been taken on the same by the Respondent No. 2.

4. After arguing the claim petition at some length, learned counsel for the petitioner confined his prayer only to the extent that, since petitioner's representation dated 04.06.2014 (Annexure: A-6) has not been decided by the Respondent No. 2, therefore, the same may kindly be directed to be decided, in accordance with law. Learned A.P.O. has no objection to the same.

5. The innocuous prayer made by the petitioner is worth accepting.

6. The claim petition is disposed of and Respondent No. 2 is directed to decide the pending representation of the petitioner by a reasoned order within a period of two months from today. The decision on the representation shall also be communicated to the petitioner soon thereafter. No order as to costs.

(RAM SINGH)
VICE CHAIRMAN (J)

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

DATE: MARCH 09, 2018
DEHRADUN

KNP