

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

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

----- Chairman

Hon'ble Mr. D.K.Kotia

-----Vice Chairman (A)

**CLAIM PETITION NO. 09/DB/2017**

1. Gayur Ali, s/o Sri Meharaban Ali, Presently posted as Fireman, Police Fire Station, District Pauri.
2. Lallu Singh, s/o Sri Devi Singh, presently posted as Fireman, Police Fire Station, District Pauri.

.....Petitioners

**vs.**

State of Uttarakhand and others,

.....Respondents.

Present: Sri V.P.Sharma and  
Sri S.C.S.Bhandari, Counsel  
for the petitioners.

Sri U.C.Dhaundiyal, A.P.O.  
for the Respondents

**JUDGMENT**

**DATED: MAY 14, 2018**

**Justice U.C.Dhyani (Oral)**

By means of present claim petition, petitioners seek following reliefs:

“ (i) To issue an order or direction to respondents No. 1 & 2 to quash the seniority list dated 08.02.2017 (Annexure A-1), along with its effect and operation and after calling the entire record.

(ii) To issue order and direction to the respondents No. 1 to 3 that the process of promotion from the post of fireman to the higher post may kindly be stayed till the disposal of the petition.

(iii ) To issue an order or direction to the respondents No. 2 & 3 to re-draw the seniority list after including the names of the petitioners in the seniority list on the basis of their date of appointments and thereafter further promotion exercise be started on the basis of fresh seniority list along with all consequential benefits.

(iv) Any other relief which the Hon’ble Court may deem fit and proper in the circumstances of the case

(vi) To award the cost of this petition to the petitioners.”

2. Facts, giving rise to present claim petition, are as follows:-

Petitioner No. 1 was initially appointed as Fireman on 01.11.1989 at Moradabad. In 1994, he was transferred to Fire Station , Dehradun. In the year 2000, he was transferred from Dehradun to Fire Station, Tehri. He was dismissed from service on 22.09.2003. Aggrieved against the same, petitioner filed claim petition bearing No. 41/2012, which was decided by this Tribunal on 13.06.2013. He was reinstated in service. Petitioner re-joined in October, 2013 at Fire Station, Pauri and is continuing in the same capacity till date.

Petitioner No.2 was appointed as Fireman in the year 1980 at Uttarkashi. Subsequently, he was transferred from Uttarkashi to Noida. In the year 1988, he was transferred from Noida to Pauri. He was dismissed from service in the year 1997. Petitioner No.2 too filed Writ Petition before Hon’ble High Court of Uttarakhand at Nainital, who, *vide* order dated 14.12.2012, set aside the dismissal order. Petitioner No. 2 was, accordingly, reinstated and is continuously serving at Pauri since then.

State of Uttarakhand sought options from the employees for allotment to this State. As per Paragraphs No. 4.5, 4.6 and 4.7 of the

claim petition, petitioners gave their options for State of Uttarakhand. Copies of letters dated 10.07.2015, 13.07.2015, 14.07.2015 and 08.03.2017 have been brought on record as Annexure: A-2, A-3 and A-4 to the claim petition.

3. It is the submission of Ld. Counsel for the petitioners that petitioners were not placed in the seniority list at an appropriate place because they were not allotted State of Uttarakhand. It is also the submission of Ld. Counsel for the petitioners that **petitioners are willing to serve in the State of Uttarakhand.**
4. In W.S./C.A. filed on behalf of respondents, it has been averred, among other things, that the petitioners gave their options to serve in State of U.P. and such option was forwarded by S.P., Pauri, *vide* his letter dated 18.07.2015.
5. Both the parties have filed documents in support of their respective contentions.
6. After arguing the claim petition at some length, Ld. Counsel for the petitioners has confined his prayer only to the extent that, subject to filing fresh representations by the petitioners, the same may kindly be directed to be decided by the competent authority, by a reasoned and speaking order, in accordance with law.
7. Ld. A.P.O. has no objection to such innocuous prayer. Considering the facts of the case, we think that the innocuous prayer made by the petitioners, is worth accepting.
8. Claim petition is, accordingly, disposed of by directing petitioners to move a fresh representation before the appropriate authority, along with a copy of this Order. The competent authority, thereafter, is directed to decide such representations of the petitioners, by a reasoned and speaking order, in accordance with law,

at an earliest possible but not later than ten weeks of presentation of certified copy of this order along with their representations.

9. Needless to say that the decision so taken, shall be communicated to the petitioners soon thereafter.

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

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: MAY 14, 2018*  
*DEHRADUN*

VM