

**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)

REVIEW APPLICATION NO. 01/DB/2018

Navneet Chauhan, S/o Shri M.S.Chauhan, aged about 32 years, presently posted as Junior Engineer (IT), V.C.V.G.S.U. Bhawan, Kanwali Road, Dehradun and three others.

.....Petitioner

VS.

State of Uttarakhand through Principal Secretary, Energy, Civil Secretariat,
Dehradun and others.

.....Respondent.

Present: Shri Shashank Pandey, Counsel for the petitioner.
Sri U.C.Dhaundiyal, A.P.O., for the Respondent No.1.
Sri Sunil Jain, Advocate, in brief of Sri V.D.Joshi, Counsel for
Respondents No. 2 & 3.

JUDGMENT

DATED: JUNE 27, 2018

Justice U.C.Dhyani (Oral)

Review application has been filed by the review applicants/ petitioners for directing the respondents to prepare the seniority list as per the merit list prepared by the Selection Committee. It is the submission of Ld. Counsel for review applicants/ petitioners that seniority list should be **prepared as per Rule 5 of the Seniority Rules of 2002**. Ld. Counsel for review applicants/ petitioners pointed out that

Uttar Pradesh State Electricity Board Employees Seniority Rules, 1998 are *pari materia* to Uttarakhand Seniority Rules, 2002.

2. Claim petition No.57/DB/2016 was disposed of by this Tribunal on 02.05.2018 on the basis of the statement of Sri V.D.Joshi, Ld. Counsel for Respondents No. 2 & 3, as follows:

“5. It has also been averred that the seniority of selection year 2008-09 is yet to be declared due to various cases pending before Hon’ble High Court of Uttarakhand at Nainital. It has been submitted in Para 6 of the supp. C.A. that the department has declared tentative seniority list on 16.12.2008 and the employees, who joined before such date, were included in the seniority list and the promotions, as per seniority list 2007-08, are still pending.

6. Further it is submitted in Para 7 of the supp. C.A. that the seniority list for the year 2008-09 has not been prepared and finalized, therefore, there is no question of promotion of the petitioners. It has also been submitted in Para 8 of the supp. C.A. that the quota of direct recruitment and promotees in the ratio of 60:40 shall be considered at the time of promotion while preparing seniority list.

7. It has further been stated in Para 9 of the supp. C.A. that petitioners would be considered while preparing seniority list of Junior Engineers for the selection year 2008-09, as names of the petitioners appear in that very selection year (2008-09).

8. Thus, according to supplementary C.A., seniority list of the Junior Engineers has not been prepared for the selection year 2008-09.

9. It is the statement of Sri V.D.Joshi, Ld. Counsel for respondents No. 2 & 3, that petitioners’ names will be considered when seniority list for the year 2008-09 will be prepared. It is also the statement of Ld. Counsel for the respondents that petitioners’ names will be appropriately placed, in accordance with rules, at the time of preparing the seniority list of the candidates, selected as per advertisement published in the year 2006.

10. We record the submission of Ld. Counsel for the respondents and close the petition by directing that the petitioners’ names shall be considered, as per Rules, when the next seniority list is prepared by the U.P.C.L.”.

3. In view of the backdrop of facts of the claim petition, we do not see any reason not to specify the Rules under which the seniority list in the year 2008-09 is required to be prepared by respondents No. 2 & 3 .
4. Review application is allowed. It is clarified that the review applicants'/ petitioners' names shall be considered and appropriately placed while preparing seniority list for the year 2008-09, in accordance with Rule 5 of the Seniority Rules, 2002, as referred to above, and other relevant Rules including Rule 9 of The Rules of 2002 which are *pari materia* to the Rules of 1998.
5. It may be mentioned here that Sri Sunil Kumar Jain, Advocate, holding brief of Sri V.D.Joshi, Ld. Counsel for Respondents No. 2 & 3, sought adjournment on personal ground of Sri V.D.Joshi, but we did not think it proper to postpone the hearing of review petition in the peculiar facts of the case, in which no complex facts or law are involved, and the claim petition was decided purely on the basis of the statement of Ld. Counsel for Respondents No.2 &3. We have simply mentioned particular Rules and have not done anything else, while disposing of present review petition.

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

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JUNE 27, 2018
DEHRADUN

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