

**Claim Petition No. 47/DB/2019**

Sanjay Pant & another vs. State of Uttarakhand & others

Dated: 23.07.2020

(Through audio conferencing)

Sri M.C.Pant, Advocate for the petitioners

Sri V.P.Devrani, A.P.O. for the respondent No.1

Sri A.P.Jha, Advocate for the respondents No. 3 to 5

This claim petition is primarily assailing the transfer of lien (cadre) of private respondents No. 3 to 5 on the basis of their requests from the post of Junior Engineer (Civil) To Junior Engineer (Technical), vide order dated 12.06.2006 of Chief Engineer Level-I. These private respondents have stated in their Counter Affidavits that lien (cadre) of total 15 persons including the answering respondents has been changed on their requests from Junior Engineer (Civil) to Junior Engineer (Technical) by the then Chief Engineer Level-I, as at the time of initial selection, the Public Service Commission did not bifurcate the selectees as Junior Engineer (Civil) or Junior Engineer (Technical). The details of these 15 persons are mentioned on pages No. 21 to 23 of the Counter Affidavit of respondents No. 3 and 4.

It has been argued on behalf of the private respondents that in case the present claim petition is allowed, it would have a direct bearing on the change of lien (cadre) of all the above 15 persons while, only three of them have been arrayed as private respondents. The direction sought by the petitioners cannot be granted without giving an opportunity of hearing to all the above similarly placed persons.

It has been argued on behalf of the petitioners that they do not feel the need to implead the remaining above persons, as they are much junior to them and their lien/cadre change does not affect the interest of the petitioners.

We have considered the matter. We are of the view that in case the impugned order dated 12.06.2006 vide which lien (cadre)

of respondents No. 3 to 5 has been changed from Junior Engineer (Civil) to Junior Engineer (Technical), is quashed by this Tribunal, the same principle will apply to the lien (cadre) change of other similarly placed persons and they should be given an opportunity of being heard before giving any finding on the issue. Even if, they are not necessary parties, the fact remains that they are proper parties to the claim petition. Therefore, it is proper and in the interest of justice, to implead them as respondents in the claim petition.

The petitioners are, therefore, directed to implead the remaining persons in the list given on pages No. 21 to 23 of the Counter Affidavit of respondents No. 3 & 4 as party-respondents, within 10 days. Thereafter, notices may be issued to the newly impleaded party-respondents for which steps shall be taken by the petitioners within next seven days. Notices shall be returnable on or before 11.09.2020.

List on 11.09.2020.

Let this order be uploaded on the website of the Tribunal.

RAJEEV GUPTA  
VICE CHAIRMAN(A)  
KNP

JUSTICE U.C.DHYANI  
CHAIRMAN