

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

Through Audio Conferencing

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 78/DB/2020

Vinod Chand Ramola

.....Petitioner.

vs.

1. State of Uttarakhand through Secretary, Peyjal Department, Uttarakhand Secretariat , Subhash Road, Dehradun.
2. Chief General Manager, Uttarakhand Jal Sansthan, Uttarakhand, Dehradun.
3. Secretary, Uttarakhand Public Service Commission, Haridwar.

.....Respondents.

Present: Dr. N.K. Pant, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for Respondents .

JUDGMENT

DATED: NOVEMBER 17, 2020

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioner seeks to direct the Respondent No. 1 to prepare the seniority list of Assistant Engineers afresh by giving due regard to the relevant statutory provisions particularly Rule 22 (1) of the U.P.Palika & Jal Sansthan Water Works (Centralized) Rules, 1996, Rule 24 (4)(b) of the Uttarakhand Jal Sansthan Engineer Service Rules, 2011 and the Uttarakhand Government Seniority Rules, 2002.

Petitioner also seeks a direction for quashing the seniority list issued by Respondent No.1 on 28.04.2020.

Direction has also been sought to declare the act of Respondent No.1 of determining the *inter se* seniority of Assistant Engineers (Civil) and Assistant Engineers (Electrical/ Mechanical) in Uttarakhand Jal Sansthan, on the basis of their performance in the written examination in the concerned discipline/ subject, as arbitrary and illegal.

2. After arguing the claim petition at some length, Ld. Counsel for the petitioner confined his prayer only to the extent that petitioner's representation dated 08.05.2020, which has been addressed to Respondent No. 1, may kindly be directed to be decided at an early date, after giving opportunity of personal hearing to the petitioner.
3. Ld. A.P.O., on seeking instructions from Respondent No.2, submitted that petitioner's representation has not been decided so far and Respondents No. 1 & 2 have no objection, if a direction is given by the Tribunal to decide the representation of the petitioner by a reasoned order, in accordance with law, after giving opportunity of personal hearing to the petitioner.
4. Without elaborating the facts of the case and after hearing Ld. Counsel for the parties, this Tribunal is of the opinion that the representation of the petitioner should be directed to be decided, in accordance with law.
5. Claim petition is, accordingly, disposed of by directing Respondents No. 1 and 2 to decide the representation dated 08.05.2020 of the petitioner, by a reasoned and speaking order, in accordance with law, after affording opportunity of personal hearing to the petitioner, at an earliest possible, but not later than eight weeks of presentation of certified copy of this order along with a copy of the representation.
6. Needless to say that the decision so taken shall be communicated to the petitioner soon thereafter.

7. It is made clear that we have not expressed any opinion on the merit of the case.
8. Let a copy of this order be supplied to the petitioner within 48 hours.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: NOVEMBER 17, 2020
DEHRADUN

VM