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Union of India and others etc. v. S.D. Gupta and others, AIR 1996 SC 3325. In the said case, the Hon'ble Supreme Court was examining the question of seniority of direct recruits vis-à-vis the promotees. As far as the direct recruits were concerned, the Hon'ble Supreme Court observed that even if a person is appointed by way of direct recruitment on *ad hoc* basis, he will be confirmed after probation, however, he becomes part of the service cadre on the date of his initial appointment, and if a promotee is given promotion on the basis of rota quota of vacancies, where in a cadre 40% quota is to be filled by promotees, and 60% quota by way of direct recruits, the promotees, who are given promotion against their quota post, cannot be made junior to a direct recruit, even if the vacancy of direct recruit arose before their promotion. The direct recruit becomes part of the cadre only after appointment.

19. The Hon'ble Supreme Court, thereafter, in the year 2021 in the case of *Muzeeb Burrahman & Ors. v. U.P. Power Corporation Ltd. & Ors., (Civil Appeal Nos. 5646-5647 of 2021)* was examining the same Regulations of 1970 & 1998. While examining the U.P. Power Corporation Regulations, which are relevant in the

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present case also, the Supreme Court held that a person appointed against a clear substantive vacancy in the direct recruit quota can legitimately claim to be born in the cadre from the date of his initial appointment and not after completion of training or probation. The Hon'ble Supreme Court observed as under :

"This Court is of the opinion that the conclusions recorded by the High Court reflect the correct position of the Rules. A person appointed against a clear substantive vacancy in the direct recruit quota, under the existing Rules, can legitimately claim to be born in the cadre from the date of his initial appointment and not after completion of training or probation."

20. Since, in the facts of the present case, as per the Office Memorandum dated 31.03.2001 - Annexure 4, till the new regulations were framed, the Uttarakhand Power Corporation Ltd. was to follow the Regulations of 1970 and 1998 of the U.P. Power Corporation Ltd. for the purpose of recruitment and fixation of seniority. It is not the case of the respondents that any new Regulations have been framed by the Uttarakhand Power Corporation Ltd. Hence, for all intents and purposes, as per the Office Memorandum dated 31.03.2001, the seniority Rules of the U.P. Power Corporation Ltd., i.e. the 1970 Regulations and 1998 Regulations, have to be followed, and the Rule of seniority, which is Rule 19 reproduced above, is very

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clear that the seniority has to be fixed from the date a selected candidate joins on the post. Hence, for all intents and purposes, the training period cannot be deleted once an Assistant Engineer, after due selection process, has joined the cadre.

21. Another fact, which can be highlighted, is that even if during service any employee is sent for further training, that period cannot be deleted from his seniority. It is part of his service, and at the initial stage if he is given training, or even after ten years he is sent for training, that period of training has to be part of his regular service record.

22. In view of the above discussion, the present Writ Petitions are being allowed. The order of the Tribunal is being set-aside. A direction is being given to the Uttarakhand Power Corporation Ltd. to fix the seniority after giving the benefit of seniority to all the Assistant Engineers, who joined in the year 2006-07, 2007-08 & 2008-09 from the date of their joining the department, and keeping in view the rota quota between the direct recruits and the promotees. The entire exercise shall be completed with a period of eight weeks


18 (Suresh Kumar Pokhriyal)

Annexure - 19

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HIGH COURT OF UTTARAKHAND AT NAINITAL

Clarification Application (MCC No. 19229 of 2024)
Clarification Application (MCC No. 19230 of 2024)

In
Writ Petition (S/B) No. 579 of 2017

Uttarakhand Power Corporation Ltd.

.....Petitioner

Versus

Shri B.M. Bhatt and others

.....Respondents

Present:-

Mr. Dharmendra Barthwal, Advocate with Mr. Bhagwat Mehra, Advocate for the petitioner.
Mr. I.P. Gairola, Advocate for respondent nos. 1 to 8.
Mr. C.D. Bahuguna, Senior Advocate assisted by Mr. C.S. Dalakoti, Advocate for the respondent nos. 17, 19 & 22.
Mr. Vinay Kumar, Advocate for the respondent no. 6.

Coram: Hon'ble Ravindra Maithani, J.
Hon'ble Alok Kumar Verma, J.

Hon'ble Ravindra Maithani, J.

The instant petition was decided on 27.06.2024. In para 22 of the judgment, the Court passed the final directions. It reads as follows:-

"22. In view of the above discussion, the present Writ Petitions are being allowed. The order of the Tribunal is being set-aside. A direction is being given to the Uttarakhand Power Corporation Ltd. to fix the seniority after giving the benefit of seniority to all the Assistant Engineers, who joined in the year 2006-07, 2007-08 & 2008-09 from the date of their joining the department, and keeping in view the rota quota between the direct recruits and the promotes. The entire exercise shall be completed with a period of eight weeks from the date of production of a certified copy of this judgment."

2. Now, the respondent nos. 17, 19 and 22 have filed clarification application (MCC No. 19229 of 2024), by which modification is sought in para 18 of the judgment dated 27.06.2024.


(Sumit Kumar Pokhriyal)

3. The petitioner has also filed clarification application (MCC No. 12930 of 2024). In para 4 of the clarification application, the petitioner writes that **"Thus, from what has been stated hereinabove a reasonable and genuine confusion has arisen - As to whether for application of rota-quota the Corporation has to take into consideration the date when Recruitment Process had commenced or the Date of Joining of the concerned incumbent?"** While raising its concern, the petitioner has referred to paras 18, 20 and 22 of the judgment dated 27.06.2024.

4. Heard learned counsel for the parties and perused the record.

5. Learned counsel for the petitioner would submit that insofar as the seniority is concerned, it may not be difficult to determine pursuant to the judgment dated 27.06.2024, but insofar as *rota quota* is concerned, there is some confusion by virtue of observations made in para 18 of the judgment, therefore, clarification is required.

6. Learned Senior Counsel for the respondent nos. 17, 19 and 22 would submit that in para 18 of the judgment dated 27.06.2024, this Court has made reference to the judgment in the case of *Union of India and others, etc. v. S.D. Gupta and others*, AIR 1996 SC 3325; but some observations are beyond as to what has been held in the case of *S.D. Gupta (supra)*, particularly while fixing the *rota quota*.

7. Learned counsel for the respondent no. 6 would submit that there is no confusion as such. He would submit that a short point had fallen for consideration in the instant writ petition i.e. as to

(Sanil Kumar Pokhriyal)

whether the period of training has to be counted as part of service or not? He would submit that so far as question of *rota quota* is concerned, it would be fixed in accordance with statutory rules/regulations.

8. Learned counsel for respondent nos. 1 to 8 would submit that no clarification as such is required.

9. In para 18 of the judgment dated 27.06.2024, this Court has referred to the judgment in the case of S.D. Gupta (*supra*) and observed as follows:-

"18. At this stage, the only dispute in the present case is with respect to the seniority, whether the period of training is to be counted as part of service. This issue has already come up before the Hon'ble Supreme Court in **Union of India and others etc. v. S.D. Gupta and others, AIR 1996 SC 3325**. In the said case, the Hon'ble Supreme Court was examining the question of seniority of direct recruits vis-à-vis the promotes. As far as the direct recruits were concerned, the Hon'ble Supreme Court observed that even if a person is appointed by way of direct recruitment on *ad hoc* basis, he will be confirmed after probation, however, he become part of the service cadre on the date of his initial appointment, and if a promote is given promotion on the basis of *rota quota* of vacancies, where in a cadre 40% quota is to be filled by promotes, and 60% quota by way of direct recruits, the promotes, who are given promotion against their quota post, cannot be made junior to a direct recruit, even if the vacancy of direct recruit arose before their promotion. The direct recruit becomes part of the cadre only after appointment."

10. Learned Senior Counsel appearing for the respondent nos. 17, 19 & 22 would submit that the observation of the Court in para 18 of the judgment that "where in a cadre 40% quota is to be filled by promotes, and 60% quota by way of direct recruits, the promotes, who are given promotion against their quota post,


(Sunil Kumar Pokhriyal)

cannot be made junior to a direct recruit" is creating confusion. He would submit that *rota quota* is to be made applicable as per statutory rules. He would also submit that the observation in the case of S.D. Gupta (*supra*) was on different aspect. Such observation was not made in the case of S.D. Gupta (*supra*).

11. This Court had in clear terms given direction as to what this Court has decided and this has been so stated in para 22 of the judgment. With regard to *rota quota* as such no direction has been made. The Court has simply stated "...and keeping in view the *rota quota* between the direct recruits and the promotees".

12. This Court only intends to clarify that *rota quota* shall be given in accordance with the existing statutory rules/regulations.

13. Clarification applications stand disposed of accordingly.

(Alok Kumar Verma, J.)

(Ravindra Maithani, J)

14.02.2025

Avneet/


(Sumil Kumar Polchreyal)



उत्तराखण्ड पावर कारपोरेशन लि०

(उत्तराखण्ड सरकार का उपक्रम)

Uttarakhand Power Corporation Ltd.

(A. Govt. of Uttarakhand Undertaking)

CIN : U40109UR20015GC025867

Email ID: rjmalik@upcl.org, Website: www.upcl.org

Annexure-15

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पत्रांक: 2180 /अधिनिदेश(मा०सं०)/उपाकालि/

दिनांक : 15/05/2025

मुख्य सचिव/अध्यक्ष, उपाकालि,
उत्तराखण्ड शासन,
देहरादून।

गोपनीय

विषय:- उपाकालि में प्रोन्नत एवं सीधी भर्ती के सहायक अभियन्ताओं की पारस्परिक ज्येष्ठता सूची के निर्धारण हेतु गठित समिति की आख्या के सम्बन्ध में।

आदरणीय महोदय,

उपरोक्त विषयक अवगत होना चाहें कि उपाकालि में प्रोन्नत एवं सीधी भर्ती के सहायक अभियन्ताओं की पारस्परिक ज्येष्ठता सूची निर्धारित किये जाने हेतु वाद संख्या WPSB/579/2017, "उपाकालि बनाम बी०एम० भट्ट एवं अन्य" में मा० उच्च न्यायालय नैनीताल द्वारा पारित निर्णय दिनांक 27.06.2024 एवं दिनांक 14.02.2025 के अनुपालन किये जाने हेतु उत्तराखण्ड शासन द्वारा कार्यालय ज्ञाप संख्या 17 दिनांक 12.03.2025(संलग्न) के माध्यम से शासन स्तर पर एक उच्च स्तरीय समिति का गठन किया गया, जिसमें श्री सुधीर कुमार, अपर सचिव न्याय महोदय एवं डॉ० अहमद इकबाल, अपर सचिव ऊर्जा महोदय सदस्य हैं, एवं अधोहस्ताक्षरी संयोजक नामित किये गये हैं।

उपरोक्त के सम्बन्ध में अवगत होना चाहें कि समिति की दूसरी बैठक दिनांक 08.04.2025 को आहूत हुयी, जिसमें सदस्य समिति द्वारा एकमत होकर यह निर्णय लिया गया कि श्री ललित मोहन रयाल, अपर सचिव, कार्मिक एवं सर्तकता अनुभाग को प्रकरण में परामर्श हेतु विशेष आमन्त्री के रूप में बैठक में भाग लेने हेतु अनुरोध किया जाय एवं उक्त के अनुपालन में अधोहस्ताक्षरी द्वारा अपने कार्यालय पत्रांक 1593 दिनांक 09.04.2025 के माध्यम से श्री ललित मोहन रयाल, अपर सचिव, कार्मिक एवं सर्तकता अनुभाग को बैठक में विशेष आमन्त्री के रूप में प्रतिभाग करने हेतु अनुरोध किया गया। उक्त उपरान्त समिति की तीसरी बैठक दिनांक 17.04.2025 को आहूत हुयी जिसमें कि श्री ललित मोहन रयाल, अपर सचिव, कार्मिक एवं सर्तकता अनुभाग ने भी बैठक में प्रतिभाग किया।

उक्त समिति द्वारा उपरोक्त कार्यालय ज्ञाप अनुसार आवश्यक चर्चा एवं सम्बन्धित नियमों के परीक्षण उपरान्त अपनी आख्या दिनांक 17.04.2025 तैयार की गयी है।

अतः उपरोक्त आख्या आपके संज्ञानार्थ एवं अग्रिम दिशा-निर्देश हेतु सादर प्रस्तुत की जा रही है।
संलग्न- यथाउपरोक्त।

20.5.25
Jitendra Singh
प्रतिलिपि :-

(डॉ० आर० जे० मलिक)

अधिसासी निदेशक(मा०सं०)/समिति संयोजक

1. श्री सुधीर कुमार, अपर सचिव न्याय, उत्तराखण्ड शासन, देहरादून।
2. डॉ० अहमद इकबाल, आई०ए०एस०, अपर सचिव ऊर्जा, उत्तराखण्ड शासन, देहरादून।
3. श्री ललित मोहन रयाल, अपर सचिव, कार्मिक एवं सर्तकता अनुभाग, उत्तराखण्ड शासन, देहरादून।

(Sunil Kumar Pokhriyal)

पत्रांक संख्या:

सेवा में,

मुख

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देह

विषय:- समिति

Online No.

प्रेषक:-

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Report of the Committee constituted by the Government of Uttarakhand vide Office
Memorandum 17/I(2)/2025-05-52/2016 dated 12 March 2025

It was taken on record that a Committee was constituted by the Government of Uttarakhand vide Office Memorandum 17/I(2)/2025-05-52/2016 dated 12 March 2025 with regard to compliance of the Hon'ble High Court of Uttarakhand Order Dated 27.06.2024 and 14.02.2025 in the matter of WPSB 579/2017 UPCL Vs B M Bhatt & Others with the directions to examine and interpreting the rules and regulations pertaining to the inter-se Seniority dispute in the Uttarakhand Power Corporation Limited and providing directions and report to the Chairperson, UPCL guiding for the preparation of the Seniority List in the light of the orders of Hon'ble High Court of Uttarakhand in the matter.

(1) The first meeting of the Committee was held on 25-03-2025 wherein the Committee held the preliminary discussions and after some deliberations it was agreed that Committee Members firstly will require some time to study the orders of the Hon'ble High Court of Uttarakhand dated 27.06.2024 and 14.02.2025, respective prevailing rules & regulations and other related documents as may be felt necessary.

(2) The second meeting of the Committee was held on 08-04-2025 in which it was considered and agreed that since the matter in question is service matter therefore it will be appropriate to consult a suitable Officer having extensive experience of the subject matter i.e., service related matters. It was decided that Shri Lalit Mohan Rayal, Additional Secretary (Personnel & Vigilance) may be invited as Special Invitee in the next meeting to assist the Committee Members. Accordingly, a request to this effect was sent to Shri Lalit Mohan Rayal by the Convener vide his office letter no 1593 dated 11-04-2025.

The third and final meeting was held on today i.e. 17-04-2025. In addition to the Committee Members and Convenor, Shri Lalit Mohan Rayal, Additional Secretary (Personnel & Vigilance), Uttarakhand Government also joined the said meeting as per invitation and Notice of the Meeting dated 15.04.2025.

Lalit Mohan Rayal, (IAS)
Addl. Secy. (Per & Vig), GoU
Special Invitee

Dr Ahmed Iqbal, (IAS)
Add Secy. (Energy), GoU
Member

Sudhir Kumar (HJS)
Add Secy. (Law), GoU
Member

(Sunil Kumar Pokhriyal)

A. The Committee first of all took on record the brief of factual position of the matter in chronological order as under: 162

A seniority list was issued by UPCL on 03.01.2015. Shri B M Bhatt filed claim petition no. 01/NB/DB/2015 before PST Nainital challenging seniority list dated: 03.01.2015. PST vide order dated 07.11.2017 set aside the final seniority list dated 03.01.2015 and directed UPCL to prepare fresh seniority list based on completion of training period of direct recruits. The order of PST was challenged by UPCL before Hon'ble High Court of Uttarakhand, Nainital (WPSB 579/2017). The Hon'ble High Court passed interim order dated 13.12.2017 staying PST Order dated 07.11.2017 and directing for preparation of seniority list as per PST order and submit in sealed cover. The Seniority list was submitted by UPCL in the sealed cover on 14.03.2018 before the Court. The Hon'ble High Court vide order dated 27-06-2024 decided the case. Thereafter, the UPCL filed a clarification application regarding application of rota quota. The Hon'ble High Court vide order dated 14-02-2025 disposed off the clarification application with the directions mentioned herein below

B. Apart from above factual position, the following important facts were also taken on record:

- i. the Hon'ble High Court has directed to fix the Inter-se Seniority of the year 2006-07, 2007-08 and 2008-09.
- ii. From the perusal of the record it was ascertained that neither direct recruitment nor any promotions have been made in the year 2006-07.
- iii. For the year 2007-08, the seniority list between the direct recruits and the promotees is primarily settled. Although six direct recruits are from the waiting list of the vacancy advertised in 2006-07 and joined subsequently in year 2008-09 in addition of 18 of original selected list who joined in 2007-8. The year of selection of these 6 is also to be decided.
- iv. For the year 2008-09, the advertisement for the direct recruitment was published in Feb 2008, select list of 55 candidates was issued on 07.12.2009 against which 39 Assistant Engineers joined UPCL in December 2009 and onwards. In the year 2008-09 total 56 Junior Engineers were promoted to the position of Assistant Engineers as per quota vide DPC dated 19-11-2008 and 30-06-2009.

Lalit Mohan Rayal, (IAS)
Addl. Secy. (Per & Vig), GoU
Special Invitee

Dr Ahmed Iqbal, (IAS)
Add Secy. (Energy), GoU
Member

Sudhir Kumar (HJS)
Add Secy. (Law), GoU
Member

(Sudhir Kumar Pokhriyal)

The Committee reviewed, examined and deliberated on the respective prevailing rules and regulations pertaining to the subject issue which are as under:

1. Uttar Pradesh State Electricity Board Services of Engineers Regulations, 1970

Rule 15

Combined Waiting List For Assistant Engineers

A combined waiting list will be prepared on the basis of the list received under Rule 6 of Appendix 'B' and the 'Select List' referred to in Rule 7 of Appendix 'C' by taking candidates in such a manner that every 1st and 4th vacancy is filled by a promoted officer (J. E. or Computer as the case may be) and the remaining vacancies are filled by Trained Engineer.

Rule 19

Seniority.....

"Provided fourthly that as between candidates who are appointed by direct recruitment and who are recruited by promotion in the same year, the seniority shall be determined in the order in which their names are arranged in the combined waiting list prepared under Regulation 15, provided that if in any year, it has not been possible to prepare the combined waiting list due to late selection either from Junior Engineers Service or from Computers (Selection Grade) or found outside or due to any other unavoidable reasons, the names in the gradation list shall be arranged in the same order in due course in respect of the vacancies allotted to each of the categories of candidates in that particular year, as in the combined waiting list and the seniority determined accordingly;"

2. U.P. State Electricity Board Servant Seniority Regulations 1998

Rule 8(3)

Where due to any selection the appointments are made in both the ways by promotion and by direct recruitment, at that place seniority of the promoted persons vis-à-vis a seniority of the persons recruited directly, so far it is possible according to the prescribed quota for both the sources in sequence of turns. Place will be of the promoted persons will be determined.

As for example -

(1) Where there is a quota of promoted persons and of the persons directly recruited is in

the proportion of 1:1 at that place the seniority will of the following sequence:-

1st - promoted person

Lalit Mohan Rayal, (IAS)
Addl. Secy. (Fer & Vig), GoU
Special Invitee

Dr Ahmed Iqbal, (IAS)
Add Secy. (Energy), GoU
Member

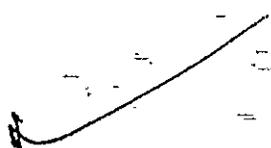
Sudhir Kumar (HJS)
Add Secy. (Law), GoU
Member

(Sund Kumar Bherwal)

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- 2nd - the person directly recruited and in this way further also
- (2) Where the said quota is in proportion of 1: 3 at that place the seniority will be in the following sequence : -
- 1st - Promoted person
 - 2nd to 4th - persons directly appointed
 - 5th - promoted persons
 - 6th to 8th - directly recruited persons and this way further also

Restriction is that :-

- (1) Where from any source appointment are made more than the prescribed quota, at that place for the seniority of the persons appointed more than the quota for those subsequent year or years will be increased, in which are vacancies according to quota.
- (2) Where the appointments from any source are less than the prescribed quota and against such unfilled vacancies, the appointments are made in the subsequent year or years then the persons appointed in this way will not get seniority of any previous years but they will get seniority of that year, in which their appointments are made, but their names will be kept at the top, after which the names of other appointed persons will be kept in sequence of turn
- (3) Where according to the service Regulations in the circumstance mentioned in the relevant service regulations, the vacancies without being filled from any source may be filled from other source and appointments should be made more than the quota, at that place the person appointed in this way will get the seniority of that every year as if they are appointed against the vacancies of their quota."


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Special Invitee


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Member


(Sunil Kumar Polchowal)

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The Committee also perused the order of Hon'ble High Court dated 27.06.2024 and 14.02.2025. The following extracts of the orders were deliberated and taken on record:

I. Hon'ble High Court of Uttarakhand Judgment dated 27-06-2024:

"In view of the above discussion, the present Writ Petitions are being allowed. The order of the Tribunal is being set-aside. A direction is being given to the Uttarakhand Power Corporation Ltd. to fix the seniority after giving the benefit of seniority to all the Assistant Engineers, who joined in the year 2006-07, 2007-08 & 2008-09 from the date of their joining the department, and keeping in view the rota quota between the direct recruits and the promotes"

II. Hon'ble High Court of Uttarakhand Order dated 14-02-2025:-

".....This Court had in clear terms given direction as to what this Court has decided and this has been so stated in para 22 of the judgment. With regard to rota quota as such no direction has been made. The Court has simply stated "...and keeping in view the rota quota between the direct recruits and the promotees".

This Court only intends to clarify that rota quota shall be given in accordance with the existing statutory rules/regulations. Clarification applications stand disposed of accordingly."

The Committee also reviewed the OM No 2646 dated 30-06-2016 of Uttar Pradesh Power Corporation Ltd wherein it is categorically stipulated that the promotees who were given promotion vide the aforesaid OM their Seniority of the year 2015-16 shall be amalgamated with the direct Recruits whose Advertisement has been published in year 2016 and their recruitment process is ongoing . The Committee also recorded its observation that the regulations are same in UPCL and UPPCL.

C. After detailed deliberations on regulations, orders and all related facts and aspects, the Committee summarised the provisions as under:

- i. The regulation of 1970 in the rule 15 provides for the Combined Waiting List For Assistant Engineers selected from both the sources.

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Special Invitee

Dr Ahmed Iqbal, (IAS)
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Member

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Add Secy. (Law), GoU
Member

(Sudhir Kumar Pokhriyal)

- ii. That Rule 19 proviso 4 states that combined waiting list to be prepared for determination of the inter-se seniority between direct recruits and promotees.
- iii. Proviso 4 of rule 19 further states that in case combined list as mentioned in Rule 15 is not prepared for any reason then the names in the gradation list shall be arranged in the same order in due course in respect of the vacancies allotted to each of the categories of candidates in that particular year, as in the combined waiting list and the seniority determined accordingly.
- iv. Further rule 8(3) of 1998 regulation provides that where due to any selection the appointments are made in both the ways by promotion and by direct recruitment, at that place seniority of the promoted persons vis-à-vis a seniority of the persons recruited directly, so far it is possible according to the prescribed quota for both the sources in sequence of turns.

D. Based on review of above factual position and provisions and orders, the findings of the Committee are as under:

- i. That a combined waiting list is to be prepared and accordingly the seniority shall be determined. Further rule 8(3) provides for the rotation of the quota which is 1:1 in the UPCL, This means that the inter-se seniority of the direct recruits and promotees is to be prepared keeping promotee at first place and direct recruit at second place, then again promotee at third place and direct recruit at fourth place and so on so far it is possible according to the prescribed quota for both the sources in sequence of turns.
- ii. The issue for the year 2006-07 is already settled since neither promotions nor direct recruitment happened in the year.
- iii. So far as Year 2007-08 is concerned six candidate against the vacancy published in 2006-07 were recruited from the waiting list and joined in 2008-09 therefore they should be placed *en bloc* at bottom of the Seniority list of 2007-08.
- iv. So far as the year 2008-09 is concerned, the point noted is that combined list which was ought to be prepared as per Rule 15 read with proviso 4 of Rule 19 was not prepared. As per proviso 4 when the same is not prepared for any reason then the names in the

Lalit Mohan Rayal, (IAS)
 Addl. Secy. (Per & Vig), GoU
 Special Invitee

k
 Dr Ahmed Iqbal, (IAS)
 Add Secy. (Energy), GoU
 Member

AK
 Sudhir Kumar (HJS)
 Add Secy. (Law), GoU
 Member

Sub
 (Suresh Kumar Pokhriyal)

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gradation list shall be arranged in the same order in due course in respect of the vacancies allotted to each of the categories of candidates in that particular year, as in the combined waiting list and the seniority determined accordingly.

- v. That 56 promotions from JEs to AEs were made in year 2008-09 and 39 direct recruits (out of 55 in select list) joined in December 2009 and onwards against the vacancy of 68 as published in advertisement in February 2009. The said 39 direct recruits are to be given inter-se Seniority for the year 2008-09 with the promotees of 2008-09 based on the selection process which had been initiated in the selection year 2008-09. The position of the seniority list of direct recruits and the promotees will be ascertained as per the rule 8(3) of the 1998 regulations that is 1:1 where 1st will be promotee then 2nd will be direct recruit then 3rd again promotee and 4th direct recruit and so on.

E. Conclusion

Based on the above factual position, review of provisions & Court Orders, deliberations and findings, the Committee unanimously is of the view as under:

- (1) The inter-se seniority list for the 2006-07 remains nil due to no selection for the post of Assistant Engineers from both the sources.
- (2) The inter-se seniority list for the year 2007-08 stands already settled, although the six candidates of the waiting list who joined in the year 2008-09 should be en bloc placed at the bottom the of the seniority list of 2007-08.
- (3) Regarding the inter-se seniority list for the year 2008-09, the Seniority List shall be made in such a manner that direct recruits against the advertisement of the February 2009 who joined in December 2009 and onwards will be amalgamated with the promotees of the year 2008-09 by applying rota quota of 1:1 as envisaged in the Rule 8(3) of 1998 regulations.

Lalit Mohan Rayal, (IAS)
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Special Invitee

Dr Ahmed Iqbal, (IAS)
Add Secy. (Energy), GoU
Member

Sudhir Kumar (HJS)
Add Secy. (Law), GoU
Member

(Sudhir Kumar Polchroyal)

Annexure - 16



उत्तराखण्ड पावर कारपोरेशन लि०

(उत्तराखण्ड सरकार का उपक्रम)

Uttarakhand Power Corporation Ltd.

(A. Govt. of Uttarakhand Undertaking)

CIN : U40109UR2001SGC025867

Email ID: hr@upcl.org, Website: www.upcl.org

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पत्रांक :- 2608/अधि० निदे०(मा०सं०)/उपाकालि०/अनुभाग-III

दिनांक : 04/06/2025

कार्यालय ज्ञाप

मा० उच्च न्यायालय, नैनीताल में योजित वाद संख्या 579/2017(उपाकालि० बनाम बी०एम० भट्ट एवं अन्य) एवं उक्त याचिका के साथ सम्बद्ध अन्य 06 वाद यथा वाद संख्या 550/2017(कन्हैया जी मिश्रा), 543/2017(राहुल चानना व अन्य), 550/2017(कन्हैया जी मिश्रा व अन्य), 552/2017(उपाकांत चतुर्वेदी व अन्य), 554/2017(गुलशन बुलानी व अन्य) व 563/2017(आशुतोष तिवारी व अन्य) में मा० उच्च न्यायालय नैनीताल द्वारा दिनांक 27.06.2024 एवं दिनांक 14.02.2025 को पारित निर्णय/आदेश, सम्प्रति प्रवृत्त उ०प्र०रा०वि०परि० अभियन्ता सेवा विनियमावली 1970(यथा संशोधित) तथा उ०प्र०रा०वि०परि० सेवक ज्येष्ठता विनियमावली 1998 में दिये गये प्राविधानों एवं उपरोक्त निर्णयों/आदेश एवं नियमों का परीक्षण एवं व्यख्या करने हेतु शासनादेश सं० 17/1(2)/2025-05-52/2016 दिनांक 12-03-2025 द्वारा मा० उच्च न्यायालय के निर्णयों की अनुपालना हेतु शासनस्तरीय गठित समिति की आख्या दिनांक 15.5.2025 में ज्येष्ठता सूची के निर्धारण हेतु की गयी अनुशंसा एवं दिये गये मन्तव्यानुसार मा० उच्च न्यायालय, नैनीताल के उपरोक्त सन्दर्भित निर्णयों/आदेश के अनुपालन में चयन वर्ष 2008-09 में उपाकालि० में पदोन्नत/सीधी भर्ती से नियुक्त सहायक अभियन्ता(वि०एवं० या०) की अंतिम ज्येष्ठता सूची (Final Seniority) निम्नवत् अवधारित की जाती है:-

2008-09		
क्रम संख्या	सहायक अभियन्ता (विद्युत एवं यांत्रिक) का नाम एवं सम्प्रेक्षा सं०/वरिष्ठता सं०	कारपोरेशन में प्रोन्नति/नवनियुक्ति पर कार्यभार ग्रहण करने का दिनांक
1.	श्री एस०पी०कुडियाल (सम्प्रेक्षा सं० -512)(पदोन्नत)(सेवानिवृत्त)	19-11-2008
2.	श्री अभिनव रावत (सम्प्रेक्षा सं० -594)(सीधी भर्ती)	08-01-2010
3.	श्री प्रदीप कुमार (सम्प्रेक्षा सं० -562)(पदोन्नत)	12-06-2009
4.	श्री राहुल चानना (सम्प्रेक्षा सं० -595)(सीधी भर्ती)	08-01-2010
5.	श्री विनोद कुमार बिष्ट (सम्प्रेक्षा सं० -513)(पदोन्नत)	19-11-2008
6.	श्रीमती श्वेता पुर्निया (सम्प्रेक्षा सं० -596)(सीधी भर्ती)	31-12-2009
7.	श्री जी०सी० जोशी (सम्प्रेक्षा सं० -534)(पदोन्नत)(सेवानिवृत्त)	03-01-2009
8.	श्री अनुज कुमार त्रिपाठी (सम्प्रेक्षा सं० -597)(सीधी भर्ती)	04-01-2010
9.	श्री किशोर कुमार पन्त (सम्प्रेक्षा सं० -514)(पदोन्नत)	19-11-2008
10.	श्री सुभाष कुमार (सम्प्रेक्षा सं० -598)(सीधी भर्ती)	29-12-2009
11.	श्री गोविन्द सिंह कार्की (सम्प्रेक्षा सं० -566)(पदोन्नत)	19-11-2008
12.	श्री वैभव शर्मा (सम्प्रेक्षा सं० -600)(सीधी भर्ती)	08-01-2010
13.	श्री विनीत कुमार सक्सेना (सम्प्रेक्षा सं० -516)(पदोन्नत)	19-11-2008
14.	श्रीमती मीनाक्षी पंत (सम्प्रेक्षा सं० -601)(सीधी भर्ती)	30-12-2009
15.	श्री महेंद्र सिंह (सम्प्रेक्षा सं० -503)(पदोन्नत)(सेवानिवृत्त)	19-11-2008
16.	श्री प्रशांत मोहन जोशी (सम्प्रेक्षा सं० -602)(सीधी भर्ती)	30-12-2009
17.	श्री यशपाल सिंह (सम्प्रेक्षा सं० -506)(पदोन्नत)(सेवानिवृत्त)	19-11-2008
18.	श्री विपिन कुमार (सम्प्रेक्षा सं० -639)(सीधी भर्ती)	25-01-2010
19.	श्री राजीव लाचन (वरिष्ठता क्रमांक 2/2000-01)(पदोन्नत)(सेवानिवृत्त)	23-03-2017
20.	श्री अरशद अली (सम्प्रेक्षा सं० -603)(सीधी भर्ती)	08-01-2010
21.	श्री मोहन लाल (सम्प्रेक्षा सं० -517)(पदोन्नत)(सेवानिवृत्त)	19-11-2008
22.	श्री गुलशन बुलानी (सम्प्रेक्षा सं० -604)(सीधी भर्ती)	04-01-2010
23.	श्री शैलेन्द्र बिष्ट (सम्प्रेक्षा सं० -582)(पदोन्नत)	01-07-2009
24.	श्री रोहताश पाण्डे (सम्प्रेक्षा सं० -866)(सीधी भर्ती)	02-03-2010
25.	श्री अमित सक्सेना (सम्प्रेक्षा सं० -532)(पदोन्नत)	30-06-2009
26.	श्री हिमांशु बड़ोनी (सम्प्रेक्षा सं० -838)(सीधी भर्ती)	28-01-2010
27.	श्री संदीप कुमार शर्मा (सम्प्रेक्षा सं० -544)(पदोन्नत)	30-06-2009
28.	श्री धनन्जय कुमार (सम्प्रेक्षा सं० -605)(सीधी भर्ती)	29-12-2009

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29.	श्री विनय कुमार सिंह (सम्प्रेक्षा सं० -551)(पदोन्नत)	30-06-2009
30.	श्री विवेक उपाध्याय (सम्प्रेक्षा सं० -644)(सीधी भती)	01-02-2010
31.	श्री मनोज प्रकाश सिंह रायत (सम्प्रेक्षा सं० -555)(पदोन्नत)	30-06-2009
32.	श्री मनीश जोशी (सम्प्रेक्षा सं० -607)(सीधी भती)	29-12-2009
33.	श्री प्रयंक पाण्डे (सम्प्रेक्षा सं० -576)(पदोन्नत)	30-06-2009
34.	श्री संतोष अग्रवाल (सम्प्रेक्षा सं० -642)(सीधी भती)	25-02-2010
35.	श्री राकेश कुमार सिंह (सम्प्रेक्षा सं० -640)(पदोन्नत)	01-07-2009
36.	श्री पुनीत कुमार (सम्प्रेक्षा सं० -610)(सीधी भती)	08-01-2010
37.	श्री शशिकान्त सिंह (सम्प्रेक्षा सं० -559)(पदोन्नत)	30-06-2009
38.	श्री विकास भारती (सम्प्रेक्षा सं० -612)(सीधी भती)	08-01-2010
39.	श्री मनोज कुमार पाण्डे (सम्प्रेक्षा सं० -592)(पदोन्नत)	30-06-2009
40.	श्री सुनील कुमार (सम्प्रेक्षा सं० -613)(सीधी भती)	31-12-2009
41.	श्री कैलाश सिंह (सम्प्रेक्षा सं० -665)(पदोन्नत)	30-06-2009
42.	श्रीमती जयप्रिया आर्य (सम्प्रेक्षा सं० -614)(सीधी भती)	29-12-2009
43.	श्री होशियार सिंह सौन (सम्प्रेक्षा सं० -647)(सेवानिवृत्त)	30-06-2009
44.	श्रीमती गीता पाठक (सम्प्रेक्षा सं० -615)(सीधी भती)	31-12-2009
45.	श्री अजय भारद्वाज (सम्प्रेक्षा सं० -567)(पदोन्नत)	30-06-2009
46.	श्री चन्द्रमोहन (सम्प्रेक्षा सं० -616) (सीधी भती)	01-01-2010
47.	श्री पवन कुमार (सम्प्रेक्षा सं० -525)(पदोन्नत)	30-06-2009
48.	श्रीमती रीता राजपूत (सम्प्रेक्षा सं० -618)(सीधी भती)	29-12-2009
49.	श्री अंजीव कुमार (सम्प्रेक्षा सं० -535)(पदोन्नत)	01-07-2009
50.	श्री ललित मोहन (सम्प्रेक्षा सं० -619)(सीधी भती)	11-01-2010
51.	श्री अनुज अग्रवाल (सम्प्रेक्षा सं० -527)(पदोन्नत)	30-06-2009
52.	श्री मुकेश कुमार (सम्प्रेक्षा सं० -620)(सीधी भती)	02-01-2010
53.	श्री संतोष डबराल (सम्प्रेक्षा सं० -537)(पदोन्नत)	30-06-2009
54.	श्रीमती शिल्पी सैनी (सम्प्रेक्षा सं० -621)(सीधी भती)	30-12-2009
55.	श्री सतीश चन्द्र जोशी (सम्प्रेक्षा सं० -584)(पदोन्नत)	30-06-2009
56.	श्री मोनिका चुनेरा (सम्प्रेक्षा सं० -622)(सीधी भती)(त्यागपत्रित)	30-12-2009
57.	श्री कूल भूषण कुकरेती (सम्प्रेक्षा सं० -560)(पदोन्नत)	30-06-2009
58.	श्रीमती नीति रंजना (सम्प्रेक्षा सं० -623)(सीधी भती)	08-01-2010
59.	श्री सुनील कुमार (सम्प्रेक्षा सं० -528)(पदोन्नत)	30-06-2009
60.	श्री प्रवेश कुमार (सम्प्रेक्षा सं० -624)(सीधी भती)	29-12-2009
61.	श्री सुनील उनियाल (सम्प्रेक्षा सं० -574)(पदोन्नत)	30-06-2009
62.	श्री संकेश सिंह बर्फील (सम्प्रेक्षा सं० -625)(सीधी भती)	30-12-2009
63.	श्री ख्याली दत्त (सम्प्रेक्षा सं० -529)(पदोन्नत)	30-06-2009
64.	श्री अश्विनी कुमार सिंह (सम्प्रेक्षा सं० -626)(सीधी भती)	29-12-2009
65.	श्री रामकुमार (सम्प्रेक्षा सं० -549)(पदोन्नत)	30-06-2009
66.	श्री उज्ज्वल कुमार भारकर (सम्प्रेक्षा सं० -627)(सीधी भती)	02-01-2010
67.	श्री भुवनेश कुमार जोशी (सम्प्रेक्षा सं० -538)(सेवानिवृत्त)	30-06-2009
68.	श्री अमित तोमर (सम्प्रेक्षा सं० -628)(सीधी भती)	24-02-2010
69.	श्री शैलेंद्र कुमार सैनी (सम्प्रेक्षा सं० -541)(पदोन्नत)	30-06-2009
70.	श्री प्रवीण सिंह नेगी (सम्प्रेक्षा सं० -641)(सीधी भती)	24-02-2010
71.	श्री अजय कुमार (सम्प्रेक्षा सं० -533)(पदोन्नत)	30-06-2009
72.	श्रीमती ज्योत्सना श्रेष्ठ (सम्प्रेक्षा सं० -629)(सीधी भती)	30-12-2009
73.	श्री मुकेश चन्द (सम्प्रेक्षा सं० -557) (पदोन्नत) (सेवानिवृत्त)	30-06-2009
74.	श्रीमती पारुल साहू (सम्प्रेक्षा सं० -630)(सीधी भती)	30-12-2009
75.	श्री विरेन्द्र सिंह बिष्ट (सम्प्रेक्षा सं० -539)(सेवानिवृत्त)	30-06-2009
76.	श्री समर बहादुर यादव (सम्प्रेक्षा सं० -665)(सीधी भती)	02-03-2010
77.	श्री अक्षय कपिल (सम्प्रेक्षा सं० -543)(पदोन्नत)	30-06-2009
78.	श्रीमती नेहा सिंह (सम्प्रेक्षा सं० -631)(सीधी भती)	08-01-2010
79.	श्री जगपाल सिंह (सम्प्रेक्षा सं० -530)(पदोन्नत)	30-06-2009
80.	श्री राजपाल (सम्प्रेक्षा सं० -546)(पदोन्नत)	30-06-2009
81.	श्री राजीव खड्कवाल (सम्प्रेक्षा सं० -536)(पदोन्नत)	30-06-2009
82.	श्री हरीश बल्लव (सम्प्रेक्षा सं० -524)(पदोन्नत)	30-06-2009

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83.	श्रीमती प्रीती भटनागर (सम्प्रेक्षा सं० -540)(पदोन्नत)	30-06-2009
84.	श्री संजय प्रसाद आर्य (सम्प्रेक्षा सं० -547)(पदोन्नत)	30-06-2009
85.	श्री कवल सिंह (सम्प्रेक्षा सं० -542)(पदोन्नत)	01-07-2009
86.	श्री रूपेश कुमार नथाला (सम्प्रेक्षा सं० -531)(पदोन्नत)	30-06-2009
87.	श्री नारायण सिंह चौहान (सम्प्रेक्षा सं० -556)(पदोन्नत)	30-06-2009
88.	श्री ओमपाल (सम्प्रेक्षा सं० -545)(पदोन्नत)	30-06-2009
89.	श्री जगदम्बा प्रसाद भट्ट (सम्प्रेक्षा सं० -526)(पदोन्नत) (सेवानिवृत्त)	30-06-2009
90.	श्री प्रकाश चन्द (सम्प्रेक्षा सं० -570)(पदोन्नत)	30-06-2009
91.	श्री मोहनराम (सम्प्रेक्षा सं० -548)(पदोन्नत)	30-06-2009
92.	श्री रमेश चन्द्र आर्य (सम्प्रेक्षा सं० -509)(पदोन्नत)	30-06-2009
93.	श्री अमी चन्द (सम्प्रेक्षा सं० -561)(पदोन्नत)	30-06-2009

यह भी आदेशित किया जाता है कि उपरोक्त ज्येष्ठता सूची मा० उच्च न्यायालय में योजित वाद सं० WPSB 268/2023 मनोज कुमार व अन्य बनाम उत्तराखण्ड शासन एवं अन्य तथा वाद सं० WPSB 319/2023 सुनील कुमार गौतम एवं अन्य बनाम उत्तराखण्ड शासन एवं अन्य के अंतिम निर्णय के प्रतिबन्धाधीन रहेगी।

प्रबन्ध निदेशक

पत्रांक :- /अधि० निदे०(मा०सं०)/उपाकालि/अनुभाग-III तददिनांकित

प्रतिलिपि:-

1. स्टाफ ऑफिसर-1, मुख्य सचिव एवं अध्यक्ष महोदय, उत्तराखण्ड शासन, सचिवालय, देहरादून।
2. स्टाफ ऑफिसर-1, प्रबन्ध निदेशक, उपाकालि०, ऊर्जा भवन, देहरादून।
3. निजी सचिव, समस्त निदेशक, उपाकालि०, ऊर्जा भवन, देहरादून।
4. समस्त मुख्य अभियन्ता/महाप्रबन्धक, उपाकालि०।
5. समस्त अधीक्षण अभियन्ता/उपमहाप्रबन्धक, उपाकालि०।
6. समस्त अधिशासी अभियन्ता, उपाकालि०।
7. अधिशासी अभियन्ता(सू०प्र०) को विभागीय वैबसाईट पर प्रदर्शित किये जाने हेतु।
8. कट फाईल/सम्बन्धित कार्मिक अनुभाग, उपाकालि०।

[डा० आर०जे० मलिक]
अधिशासी निदेशक(सा०सं०)

(Sunil Kumar Pokhriyal)

Translation

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Uttarakhand Power Corporation Ltd.
(An undertaking of the Uttarakhand Government)
Uttarakhand Power Corporation Ltd.

CIN: U4010SUR2001500025867

Email 10fupci.org, Website. www.upcl.org

Letter No.: 2608/Admn. (Hon'ble) / Sub-Collector / Section-III

OFFICE MEMORANDUM

Date 04/06/2025

Case No. 579/2017 (UPCL vs. B.M. Bhatt and others) and 06 other cases related to this petition in the Hon'ble High Court, Nainital, such as Case No. 550/2017 (Kanhaiya G. Mishra), 543/2017 (Rahul Chanana and others). Decision/order passed by the Hon'ble High Court of Nainital on 27.06.2024 and 14.02.2025 in cases 550/2017 (Kanhaiya Ji Mishra and others), 552/2017 (Umakant Chaturvedi and others), 554/2017 (Gulshan Boolani and others) and 563/2017 (Ashutosh Tiwari and others), Government Order No. 17/1(2)/2025-05-52/2016 dated 12-03-2025 to examine and interpret the provisions given in the currently in force UP Engineer Service Regulations 1970 (as amended) and UP Servant Seniority Regulations 1998 and the above decisions/orders and rules. Government level constituted to comply with the decisions of the Honourable High Court As per the recommendation and opinion given for determination of seniority list in the report of the Committee dated 15.5.2025, in compliance with the above-mentioned decisions/orders of the Hon'ble High Court, Nainital, the final seniority list of Assistant Engineer (V&E) promoted/appointed through direct recruitment in the UPA in the selection year 2008-09 is determined as follows-

Sr. No.	Name and recruitment number/seniority of Assistant Engineer(Electrical & Metric)	Date of joining on promotion/new appointment in the Corporation
1	Shri. S.P.Kudiyal (Review No. 512) — Promoted (Retired)	19-11-2008
2	Shri Abhinay Rawat (Review No. 594) — Direct Recruitment	08-01-2010
3	Shri Pradeep Kumar (Review No. 562) — Promoted	12-06-2009
4	Mr. Rahul Chanana (Review No. 395) — Direct Recruitment	08-01-2010
5	Shri Vinod Kumar Bisht (Review No. 513) — Promoted	19-11-2008
6	Smt. Shweta Puniya (Review No. 506) — Direct Recruitment	31-12-2009
7	Shri G.C. Joshi (Review No. 554) — Promoted (Retired)	03-01-2009
8	Shri Anuj Kumar Tripathi (Review No. 597) — Direct	04-01-2010


(Sumit Kumar Pokhriyal)

Recruitment		
9	Shri Kishor Kumar Pant (Review No. 514) — Promoted	19-11-2008
10	Shri Subhash Kumar (Review No. 598) — Direct Recruitment	29-12-2009
11	Shri Gobind Singh Karki (Review No. 566) — Promoted	19-11-2008
12	Shri Vaibhav Sharma (Review No. 600) — Direct Recruitment	08-01-2010
13	Shri Vineet Kumar Saxena (Review No. 516) — Promoted	19-11-2008
14	Mrs. Meenakshi Pant (Review No. 601) — Direct Recruitment	30-12-2009
15	Shri Mahendra Singh (Review No. 503) — Promoted (Retired)	19-11-2008
16	Shri Prashant Mohan Joshi (Review No. 602) — Direct Recruitment	30-12-2009
17	Shri Yashpal Singh (Review No. 506) — Promoted (Retired)	19-11-2008
18	Shri Vipin Kumar (Review No. 639) — Direct Recruitment	25-01-2010
19	Shri Rajeev Lochan (Review No. 2/2000-01) — Promoted (Retired)	23-03-2017
20	Shri Arshad Ali (Review No. 603) — Direct Recruitment	08-01-2010
21	Shri Mohan Lal (Review No. 517) — Promoted (Retired)	19-11-2008
22	Shri Gulshan Bulani (Review No. 604) — Direct Recruitment	04-01-2010
23	Shri Shailendra Bisht (Review No. 582) — Promoted	01-07-2009
24	Shri Rohtashu Pandey (Review No. 606) — Direct Recruitment	02-03-2010
25	Shri Amit Saxena (Review No. 532) — Promoted	30-06-2009
26	Shri Himanshu Badoni (Review No. 630) — Direct Recruitment	28-01-2010
27	Shri Sandeep Kumar Sharma (Review No. 544) — Promoted	30-06-2009
28	Shri Dhananjay Kumar (Review No. 605) — Direct Recruitment	29-12-2009
29	Shri Vinay Kumar Singh (Review No. 551) — Promoted	30-06-2009
30	Shri Vivek Upadhyay (Review No. 644) — Direct Recruitment	01-02-2010
31	Shri Manish Prakash Singh Rawat (Review No. 555) — Promoted	30-06-2009
32	Shri Manish Joshi (Review No. 607) — Direct	29-12-2009

(Sunil Kumar Pochreyal)

	Recruitment	
33	Shri Prathak Pandey (Review No. 576) — Promoted	30-06-2009
34	Shri Santosh Aggarwal (Review No. 642) — Direct Recruitment	25-02-2010
35	Shri Rakesh Kumar Singh (Review No. 640) — Promoted	01-07-2009
36	Shri Punit Kumar (Review No. 610) — Direct Recruitment	08-01-2010
37	Shri Shashikant Singh (Review No. 559) — Promoted	30-06-2009
38	Shri Vikas Bharti (Review No. 612) — Direct Recruitment	08-01-2010
39	Shri Manoj Kumar Pandey (Review No. 592) — Promoted	30-06-2009
40	Shri Sunil Kumar (Review No. 613) — Direct Recruitment	31-12-2009
41	Shri Kailash Singh (Review No. 665) — Promoted	30-06-2009
42	Mrs. Jaypriya Arya (Review No. 614) — Direct Recruitment	29-12-2009
43	Mrs. Geeta Pathak (Review No. 615) — Direct Recruitment	30-06-2009
44	Shri Hoshiar Singh Saun (Review No. 647) — Retired	31-12-2009
45	Shri Ajay Bhardwaj (Review No. 567) — Promoted	30-06-2009
46	Shri Chandramohan (Review No. 616) — Direct Recruitment	01-01-2010
47	Shri Pawan Kumar (Review No. 525) — Promoted	30-06-2009
48	Mrs. Reetha Rajput (Review No. 618) — Direct Recruitment	29-12-2009
49	Shri Anjeev Kumar (Review No. 535) — Promoted	01-07-2009
50	Shri Lalit Mohan (Review No. 619) — Direct Recruitment	11-01-2010
51	Shri Anuj Aggarwal (Review No. 527) — Promoted	30-06-2009
52	Shri Mukesh Kumar (Review No. 620) — Direct Recruitment	02-01-2010
53	Shri Santosh Dabral (Review No. 537) — Promoted	30-06-2009
54	Mrs. Shilpi Saini (Review No. 621) — CP Mrs.	30-12-2009
55	Shri Satish Chand Joshi (Review No. 584) — Promoted	30-06-2009
56	Miss MeenaikaChunera (Review No. 622) — Direct Recruitment (Resigned)	30-12-2009
57	Shri Kul Bhushan Kukreti (Review No. 560) — Promoted	30-06-2009
58	Mrs. Neeti Ranjana (Review No. 623) — Direct Recruitment	08-01-2010
59	Shri Sunil Kumar (Review No. 528) — Promoted	30-06-2009

(Sunil Kumar Poshryal)

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60	Shri Pravesh Kumar (Review No. 624) — Direct Recruitment	29-12-2009
61	Shri Sunil Uniyal (Review No. 574) — Promoted	30-06-2009
62	Shri Rakesh Singh Barfeel (Review No. 625) — Direct Recruitment	30-12-2009
63	Shri Khyali Dutt (Review No. 529) — Promoted	30-06-2009
64	Shri Ashwani Kumar Singh (Review No. 626) — Direct Recruitment	29-12-2009
65	Shri Ramkumar (Review No. 549) — Promoted	30-06-2009
66	Shri Ujjwal Kumar Bhaskar (Review No. 627) — Direct Recruitment	02-01-2010
67	Mr. Bhuvnesh Kumar Joshi (Review No. 538) — Retired	30-06-2009
68	Shri Amit Tomar (Review No. 628) — CP Recruitment	24-02-2010
69	Shri Shailendra Kumar Saini (Review No. 541) — Promoted	30-06-2009
70	Shri Praveen Singh Negi (Review No. 641) — Direct Recruitment	24-02-2010
71	Shri Ajay Kumar (Review No. 533) — Promoted	30-06-2009
72	Mrs. Jyotsna Shrestha (Review No. 629) — Direct Recruitment	30-12-2009
73	Shri Mukesh Chand (Review No. 557) — Promoted (Retired)	30-06-2009
74	Mrs. Parul Sahu (Review No. 630) — Direct Recruitment	30-12-2009
75	Shri Virendra Singh Bisht (Review No. 539) — Retired	30-06-2009
76	Shri Samar Bahadur Yadav (Review No. 665) — Direct Recruitment	02-03-2010
77	Shri Akshay Kapil (Review No. 543) — Promoted	30-06-2009
78	Mrs. Neha Singh (Review No. 631) — Direct Recruitment	08-01-2010
79	Shri Jagpal Singh (Review No. 530) — Promoted	30-06-2009
80	Shri Rajpal (Review No. 546) — Promoted	30-06-2009
81	Shri Rajeev Khadkyal (Review No. 536) — Promoted	30-06-2009
82	Shri Harish Ballab (Review No. 524) — Promoted	30-06-2009
83	Mrs. Preeti Bhatnagar (Review No. 540) — Promoted	30-06-2009
84	Shri Sanjay Prasad Arya (Review No. 547) — Promoted	30-06-2009
85	Shri Kanwal Singh (Review No. 542) — Promoted	01-07-2009
86	Shri Rupesh Kumar Nathala (Review No. 531) — Promoted	30-06-2009
87	Shri Narayan Singh Chauhan (Review No. 556) — Promoted	30-06-2009

(Sunil Kumar Polchriyal)

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88	Shri Om Pal (Review No. 545) — Promoted	30-06-2009
89	Shri Jagdamba Prasad Bhatt (Review No. 526) — Promoted (Retired)	30-06-2009
90	Shri Prakash Chand (Review No. 570) — Promoted	30-06-2009
91	Shri Mohanram (Review No. 548) — Promoted	30-06-2009
92	Shri Ramesh Chandra Arya (Review No. 509) — Promoted	30-06-2009
93	Shri Ami Chand (Review No. 561) — Promoted	30-06-2009

It is also ordered that the above seniority list will remain subject to the final decision of the case no. WPSB 268/2023 Manoj Kumar and others vs. Uttarakhand Government and others and case no. WPSB 319/2023 Sunil Kumar Gautam and others vs. Uttarakhand Government and others filed in the Hon'ble High Court.

Managing Director

Letter No. :- / Additional Director General (H. No.) / Sub-Division / Section-III dated.

Copy:-

1. Staff Officer-1, Chief Secretary and Chairman, Government of Uttarakhand, Secretariat, Dehradun.
2. Staff Officer-1, Managing Director, UPCL, Urja Bhawan, Dehradun.
3. Private Secretary, All Directors, UPCL, Urja Bhawan, Dehradun.
4. All Chief Engineers/General Managers, Sub.
5. All Superintending Engineers/Deputy General Managers, Upa-Kaal.
6. All Executive Engineers, Deputy Commissioners.
7. Executive Engineer (Information Processing) for displaying it on departmental website.
8. Cut File/Concerned Personnel Section, Deputy Commissioner.


(Sunil Kumar Polkharwal)

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HIGH COURT OF UTTARAKHAND AT NAINITAL

INTERIM RELIEF APPLICATION NO.....OF 2025

(On behalf of Petitioners)

IN

WRIT PETITION NO.....OF 2025 (S/B)

(Under Article 226 of Constitution of India)

(District- Dehradun)

- 1- Sunil Kumar Pokhriyal (Male), Aged about 48 years
S/o Sri Lalita Prasad,
R/o Lane No. 18, Tea Estate Banzarawala,
Dehradun, PIN-248001
- 2- Khyali Datt Joshi (Male), Aged about years,
S/o Late Jai Datt Joshi,
R/o Lane No. 1, Vishnupuram Colony,
Mothrowala Road, DehradunPetitioners

VERSUS

1. State of Uttarakhand through Secretary, Department of Energy, Government of Uttarakhand, Dehradun.
2. Uttarakhand Power Corporation Ltd., Urja Bhawan, Kanwali Road, Dehradun through its Chairman.
3. Managing Director, Uttarakhand Power Corporation Ltd., Urja Bhawan, Kanwali Road, Dehradun.
4. Director (HR), Uttarakhand Power Corporation Ltd., Urja Bhawan, Kanwali Road, Dehradun.
5. Abhinav Rawat, S/o Sri Jagmohan Singh Rawat, Resident of Saket Colony, Lane No. 3, Ajabpur Kalan, Dehradun.
6. Rahul Channa S/o Sri Vishambar Nath Channa, R/o H.No. 1000, Street-14, Ramnagar, Roorkee, District Haridwar.
7. Shweta Dinkar Rautela, W/o Sri Dinkar Rautela, R/o Quarter No. 1, Type-3, Urja Bhawan, Kanwali Road, Dehradun.
8. Anuj Kumar Tripathi, S/o Budh Pal Sharma, Resident of H.N 18/3. Suresh Sharma Nagar, Bareilly, Uttar Pradesh.


(Sunil Kumar Pokhriyal)

9. Meenakshi Pant, W/o Sri Nikhil Khanna,
R/o 39 Narendra Vihar Ext, Kaulagarh Road, Dehradun.
10. Prashant Mohan Joshi, S/o Sri G.C Joshi,
R/o B-28, Shivlok Colony, Raipur Road, Dehradun.
11. Vipin Kumar S/o Sri Rabindra Prasad,
R/o Quarter No. 28, Rajeshwari Puram, Jogiwala, Dehradun.
12. Arshad Ali, S/o Sri Shakeel Ahmed,
R/o H.N 263/1, Aman Vihar, Lane 12, Turner Road, Dehradun
13. Gulshan Bulani, S/o Jeevan Lal Bulani, R/o 27/3 Rana Niwas, Near
Uma Lodge, Kamprayag.
14. Rohitashu Pandey, S/o B. D Pandey, Sanjay Colony, R.K Tent House
Road, Kusumkhara, Haldwani.
15. Himanshu Badoni, S/o Sri Dwarka Prasad Badoni, R/o 27-B, Garhi
Cantt, Dehradun.
16. Dhananjay Kumar, S/o Umesh Prasad Singh, R/o Drona Vatika, Lane
No 4, Sahastradhara Road, Dehradun.
17. Vivek Upadhyay, S/o Sri Mahesh Upadhyay, Sanjay Colony, R. K Tent
House Road, Kusumkhara, Haldwani.
18. Manish Joshi, S/o Sri Bhuvan Chandra Joshi, R/o Joshi Niwas, Amoun,
Near Mazar, Tanakpur Road, Khatima.
19. Santosh Agarwal, S/o Sri Panna Lal Agarwal, R/o 6-D/935, Awastha
Vikas Colony, Agra.
20. Puneet Kumar Srivastava, S/o Sri H.S. Srivastava, Rio 3-Model
Colony, Rudrapur.
21. Vikas Bharti, S/o Sri Nand Ram, R/o Type IV/4 (FH), Urja Bhawan,
Kanwali Road, Dehradun.
22. Sunil Kumar, S/o Sri Rajbir Singh, Village Gummawala, P.O Sohalpur,
Roorkee.
23. Jaipriya, S/o Sri Rajkumar Arya,
R/o Quarter No. 2. Type 3, Urja Bhawan,
Kanwali Road, Dehradun.
24. Geeta Pathak, W/o Sanjay Tiwari,
R/o Type-IV, Yamuna Colony. Dehradun.
25. Chandra Mohan, S/o Late Sri Shiv Lal,
R/o 18, E. C. Road, Type 4/5 U.P.C.L. Colony, Dehradun.
26. Reeta Rajput, D/o Late Sri Gopal Chandra Rajput,
R/o Village Chama, Post Bisa Bejerh, Dist. Pithoragarh.


(Sunil Kumar Pokhriyal)

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27. Lalit Mohan. S/o Sri Bishan Ram Arya,
R/o Indira Colony, Gali No. 1. Rudrapur, U. S Nagar-263153.
28. Mukesh Kumar, S/o Late Sri Vijay Pal Singh,
R/o C-109, Plot No. 40, New Vishnu Garden,
P.O. Gurkul Kangri, Haridwar
29. Shilpi Saini, W/o Sri Ravikant Saini,
R/o E.H.-19, Sector-6, B.H.E.L., Haridwar.
30. Monika Chunera, D/o Sri K. R. Chunera,
Resident of Village Bhagirathi, P.O & Distt. Bageshwar.
31. Neeti Vishesh, W/o Sri Vishesh Kumar,
Resident of J.T.O (Indoor), B.S.N.L. Telephone Exchange,
Police Line, Pithoragarh-262501.
32. Pravesh Kumar, S/o Sri Jogendra Kumar,
R/o Quarter No.-1. Type-IV, Hydell Colony, Ranikhet.
33. Rakesh Singh Burfal, S/o Sri B.S. Burfal,
R/o. Village Darathi, P.O Rathi, Munsiyari, Pithoragarh.

.....Respondents

To,

The Hon'ble the Chief Justice and his other companion Judges
of the aforesaid Court.

The humble application of the above named Petitioner most
respectfully showeth as under:

- 1- That the Petitioners were appointed as Junior Engineer (E&M)
in UPCL in the year 2002. Pursuant to the recommendation
made by the Departmental Promotion Committee the
Petitioners were promoted on the post of Assistant Engineer
(E&M), in UPCL. Hence the selection year of the Petitioners
are 2008-09. Private Respondents are direct recruit Assistant
Engineer (E&M), who were appointed on 30th December 2009,
Hence their selection year is 2009-10.
- 2- That Claim Petition No. 01/NB/DB/2015 "B.M. Bhatt &
Others Vs State of Uttarakhand & Others" came to be filed
before the Ld. Public Service Tribunal Nainital Bench
challenging the Final Seniority List of Assistant Engineers


(Sunil Kumar Polcharyal)

dated 03rd January 2015. The Claim Petition was allowed by the Ld. Public Service Tribunal Nainital Bench vide judgment and order dated 07th November 2017 and thereby set aside the Final Seniority List dated 03.01.2015 and directed UPCL to frame fresh seniority list as per Rules and Regulations.

- 3- That the Judgment dated 07th November 2017, came to be challenged before the Division Bench of this Hon'ble Court by way of Writ Petition (S/B) No. 579 of 2017 "UPCL Vs B.M Bhatt & Others" and other connected Writ Petitions. The bunch of Writ Petition were decided by the Coordinate Bench of this Hon'ble Court by judgment and order dated 27th June 2024, by directing UPCL to fix the seniority of Assistant Engineer, (E&M) from the date of their initial appointment, keeping in view the rota quota between direct recruits and the promotees. The clarification moved by UPCL and some of the private Respondents was disposed of by order dated 14th February 2025.
- 4- That on the request of UPCL, the State Government vide Office Memorandum dated 12th March 2025, constituted a committee to examine and interpret the Rules and Regulations pertaining to the inter-se seniority dispute committee so constituted submitted its report on 17th April 2015 to UPCL, recommending that the inter-se seniority of the Assistant Engineer (E&M) for the Year 2008-09 shall be prepared by amalgamating the direct recruits appointed in the December 2009 on words with the promotees of the Year 2008-09.


(Sunil Kumar Polchreyal)

- 5- That after receipt of the report of 03 member committee by the Chief Secretary Chairman UPCL, no tentative seniority list of Assistant Engineer (E&M) was issued by the UPCL inviting objections. On the contrary the UPCL issued the impugned Office Memorandum whereby Final Seniority List of Assistant Engineer (E&M) was issued. In the impugned final seniority list the private Respondents have been placed above by wrongly applying the rota quota based on the year of vacancy instead of the date of joining.
- 6- That the impugned Office Memorandum dated 04th June 2025, whereby the Final Seniority List of Assistant Engineer (E&M) of the selection year 2008-09 as well as the report of 3 member committee is not sustainable for the reason that the rota quota has been applied on the basis of the date of issuance of the advertisement, which is in violation of the provisions of the Regulation 8(3) of the Seniority Regulation of 1998.
- 7- That the impugned Office Memorandum dated 04th June 2025 and the report of 03 member committee is not sustainable for the reason that the Respondents have determined the inter-se seniority between Petitioners and private Respondents based on the vacancy whereas the Division Bench of this Hon'ble Court has directed for fixing the seniority between the promotees and direct recruits on the basis of date of their joining in the corporation.
- 8- That the impugned Office Memorandum dated 04.06.2025, the report of the 3 member committee is not sustainable inasmuch as the same is contrary to the direction given by the Coordinate

(Sumit Kumar Polshreyal)

of this Hon'ble Court in its judgment dated 27th June 2024, where in the Hon'ble Court has categorically directed the Respondent UPCL to fix the seniority after giving the benefit of the seniority from the date of the joining the department and in keeping view the rota quota between the direct recruits and the pramotees

9- That in view of the facts stated above, it will be just proper and expedient in the interest of justice that this Hon'ble Court may graciously be pleased to stay the effect and operation of the impugned Office Memorandum dated 04.06.2025 issued by the Respondent No. 3 (Annexure No. 16 to the writ petition), whereby the Final Seniority List of Assistant Engineer (E&M), UPCL has been published, placing the private respondents above the petitioners, in contravention of provisions of Uttar Pradesh State Electricity Board Servant Seniority Rules, Regulations 1998, as applicable in the Uttarakhand Power Corporation Ltd. and further to restrain the respondents from undertaking any promotion exercise on higher post of the post of Executive Engineer, pursuant to the impugned Final Seniority List, during pendency of the present writ petition; otherwise Petitioners shall suffer irreparable loss and injury.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble High Court may graciously be pleased to stay the effect and operation of the impugned Office Memorandum dated 04.06.2025 issued by the Respondent No. 3 (Annexure No. 16 to the writ petition), whereby the Final Seniority List of Assistant Engineer (E&M), UPCL has been published, placing

(Sunil Kumar Pokhriyal)

the private respondents above the petitioners, in contravention of provisions of Uttar Pradesh State Electricity Board Servant Seniority Rules, Regulations 1998, as applicable in the Uttarakhand Power Corporation Ltd. and further to restrain the respondents from undertaking any promotion exercise on higher post of the post of Executive Engineer, pursuant to the impugned Final Seniority List, during pendency of the present writ petition; otherwise Petitioners shall suffer irreparable loss and injury.

Place: Nainital

Dated: ¹⁵ June, 2025

(VINAY KUMAR)
Advocate

Sudha
(SUDHA TAMTA)
Advocate

Ankit
(ANKIT BISHT)
Advocate

Reg.No.UK-113/2017 Reg. No.UK-626/2016 Reg. No. D-7113/2023
Counsel For the Petitioners

Sud
(Sud Kumar Pokhregal)

**HIGH COURT OF UTTARAKHAND AT NAINITAL
AFFIDAVIT**

IN

INTERIM RELIEF APPLICATION NO.....OF 2025
(On behalf of Petitioners)

IN

WRIT PETITION NO. OF 2025 (S/B)
(Under Article 226 of Constitution of India)
(District-Dehradun)

Sunil Kumar Pokhriyal & Anr.Petitioners

VERSUS

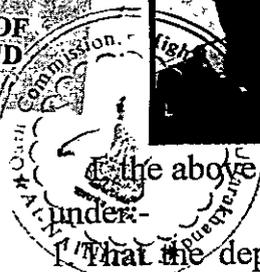
State of Uttarakhand & Ors. Respondents

2025
AFFIDAVIT
20664
HIGH COURT OF
UTTARAKHAND
₹ 20/-



Affidavit of Sunil Kumar Pokhriyal
(Male), Aged about 48 years, S/o Sri
Lalita Prasad, R/o Lane No. 18, Tea
Estate Banzarawala, Dehradun, PIN-
248001.

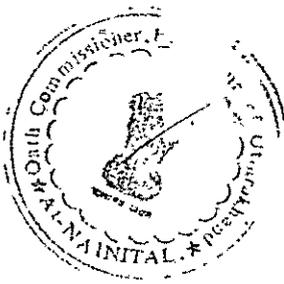
(Deponent)



The above named do hereby solemnly affirm and state on oath as
under:-
That the deponent is Petitioner No.1 in the present Writ Petition
and is doing pairavi on behalf of Petitioner No. 2, as such, deponent
is well acquainted with facts of the case and is filing the present
Affidavit in support of Interim Relief Application as under.

New file
Certified that Deponent
has signed/RTI on his
Photograph in my presence
15/8/2025

I, the above-named deponent do hereby verify that the
contents of Para no. 1 of this affidavit are true to my personal
knowledge, those of para nos.....1 to 9.....of this Interim
Relief Application are based on personal knowledge, those of para
nos.....of this Interim Relief Application are
based on records and those of para nos. of
this Interim Relief Application are based on legal advice received



Sunil
(Sunil Kumar Pokhriyal)

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which all I believe to be true. That no part of this is false and nothing material has been concealed.

So Help Me God.

[Signature]

Deponent

I, Vinay Kumar (Reg. No. UK-113/ 2017) Advocate, High Court of Uttarakhand, Nainital do hereby identify the deponent Sunil Kumar Pokhariyal S/o Sri Lalita Prasad having Adhaar Card No. 5332 8142 1756 and who has produced the records of the case before me and I am satisfied that he is the same person as alleged.

[Signature]

Advocate

Solemnly affirmed before me today the 15th day of June, 2025 at 11:23 AM/ PM by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit, which have been read over and explained to his.

Oath Commissioner



Naitik
NAITIK BHATT
Advocate
Reg. No. - UK-1244/2022
Oath Commissioner
High Court of Uttarakhand...
At-NAINITAL

SI. No. *20664*
Dated *15/6/2025*

[Signature]
(Sunil Kumar Pokhariyal)