

No. 145/XXXVI(3)/2026/30(1)/2026
 Dated Dehradun, April 24, 2026

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'The Uttarakhand (Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainiks) Act, 1993) (Amendment) Act, 2026' (Act No. 08 of 2026).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 20 April, 2026.

The Uttarakhand (Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainiks) Act, 1993) (Amendment) Act, 2026

(Uttarakhand Act No. 08, 2026)

An

Act

further to amend the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993 (Adaptation and Modification Order, 2002) in the context of the State of Uttarakhand,

Be it enacted by the Uttarakhand legislature in the Seventy-seventh Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Uttarakhand (Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993) (Amendment) Act, 2026.
- (2) It shall come into force at once.

Amendment of 2.
section 3

In the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993 (Adaptation and Modification Order, 2002) clause (i) of sub-section (1) of section 3 shall be substituted as follows, namely:-

“(i) In public services and posts, two percent of the vacancies for the dependents of freedom fighters and five percent of the vacancies for Purva Sainiks:

Provided that once a Purva Sainik secures appointment/employment in public services and posts on the basis of reservation allowed for Purva Sainik, the benefit of reservation granted as a Purva Sainik shall not be admissible to him again in public services and posts;”.

By Order,

SAHDEV SINGH,
Principal Secretary.

Statement of Objects and Reasons

The Hon'ble High Court of Uttarakhand at Nainital, vide its judgment dated 29.07.2025 passed in Writ Petition Service Bench No. 491 of 2021 Dinesh Chandra Kandpal vs. State of Uttarakhand & another., has quashed/set aside Para-8 of the Government Order dated 22.05.2020 issued by the Personnel and Vigilance Section-2. The operative portion of the Hon'ble Court's judgment dated 29.07.2025 is as follows:

".....21. Clause 8 of Government Order dated 22.05.2020 suffers from vice of artificial classification. Legislation, which covers the field, does not permit classification of Purva Sainik (Ex-servicemen) based on their reemployment status. The definition, as given in the Act, includes all persons within 'the fold of "Purva Sainik", who fall in any one of the four categories enumerated in Section 2(c) of the Act. Thus, the classification made by State Government between those who are yet to be appointed vis-à-vis those who are employed by or under the Government, by executive instructions, cannot but be castigated as discriminatory. It is settled position in law that executive instructions cannot run counter to a Legislation dealing directly on the subject.

22. In view of the legal position as discussed above, Clause 8 of the Government Order dated 22.05.2020 is liable to be set aside and is hereby set aside. The writ petition is accordingly allowed."

2. Therefore, in view of the said order of the Hon'ble Court, it is considered necessary to amend clause (i) of sub-section (1) of section 3 of the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993 order to incorporate the mechanism prescribed in the Government of India's O.M. No. 36034/27/84-Estt.(SCT) dated 02.05.1985 regarding the employment of Purva Sainik in State services into the principal Act.

3. The proposed Bill fulfills the aforesaid objective.

Pushkar Singh Dhami
Chief Minister.