

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

CLAIM PETITION NO. 68/SB/2021

Sri Suneeti pal, s/o Sri Jagdish Prasad, aged about 55 years, presently posted as Revenue Sub Inspector (Lekhpal), Tehsil & District Haridwar.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Revenue, Civil Secretariat, Dehradun.
2. Commissioner Garhwal, Pauri.
3. District Magistrate, Haridwar.
4. Sub-Divisional Magistrate, Haridwar.
5. Sri Anil Kumar Gupta, Revenue Sub-Inspector (Lekhpal) c/o District Magistrate Haridwar.
6. Sri Prakash Veer, Revenue Sub-Inspector (Lekhpal) c/o District Magistrate Haridwar.
7. Sri Sompal, Revenue Sub-Inspector (Lekhpal) c/o District Magistrate Haridwar.
8. Sri Faizan Khan, Revenue Sub-Inspector (Lekhpal) c/o District Magistrate Haridwar.
9. Sri Tej Singh, Revenue Sub-Inspector (Lekhpal) c/o District Magistrate Haridwar.
10. Sri Jahid Hassan, Revenue Sub-Inspector (Lekhpal) c/o District Magistrate Haridwar.
11. Sri Moti Lal, Revenue Sub-Inspector (Lekhpal) c/o District Magistrate Haridwar.
12. Sri Pradeep Kumar Yadav, Revenue Sub-Inspector (Lekhpal) c/o District Magistrate Haridwar.
13. Sri Nirbhay Kumar Jian, Revenue Sub-Inspector (Lekhpal) c/o District Magistrate Haridwar.
14. Sri Praveen Kumar, Revenue Sub-Inspector (Lekhpal) c/o District Magistrate Haridwar

.....Respondents.

Present: Sri Shashank Pandey, Advocate, for the petitioner.(online)
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: JULY 05, 2024

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioner seeks the following reliefs:

“a. To issue order or direction to call for records and quash the seniority list dated 16.02.2021 (Annexure A1) to the extent petitioner and the private Respondents are concerned.

b. To issue order or directions to the Respondents to not to unsettle the settled seniority of the Petitioner for past 28 years.

c. To declare the petitioner as senior to the private respondents on the basis of seniority lists of 1993-94, 2000 & 2012, enclosed as Annexure no. A4, A5 and A6 respectively.

d. To give the cost of the petition to the petitioner.

e. To give any other relief this Hon'ble court may deem fit and proper in the circumstance of the case.”

2. At the very outset, Ld. A.P.O. submitted that the seniority list, which is under challenge in present claim petition, was prepared by the respondent department as per orders/ directions dated 08.10.2020 of the Hon'ble High Court in WPSS No. 1193/2020. On the basis of such seniority list, which was prepared as per the directions of the Hon'ble Court, petitioner was given promotion and he gave joining at Rudrapur (District-Udham Singh Nagar). Hence, claim petition has no legs to stand and should be dismissed.

3. In reply, Sri Shashank Pandey, Ld. Counsel for the petitioner submitted that the petitioner has not contacted him for the last one year and he has no instructions in the matter.

4. In WPSS No. 1193/ 2020, the Hon'ble High Court of Uttarakhand passed the following order on 08.10.2020:

“.....The petitioner has filed the present writ petition seeking a writ in the nature of mandamus directing the respondent no.2 to finalize the tentative seniority list dated 20.07.2019 of Revenue Sub Inspector, Haridwar after considering the petitioner's objection dated 21.09.2020 & 28.09.2020 respectively, strictly in terms of Rule 27(4) of the Uttarakhand Revenue Sub Inspector (Lekhpal) Service Regulations 2015 and ignoring the earlier order dated 28.07.2018 passed by respondent no.2.

Learned Senior Counsel for the petitioner has confined his prayer that the tentative seniority list has been issued by the Additional District Magistrate (Administration), District Haridwar on 20.07.2019.

The petitioner has filed his objection against the tentative seniority list stating therein that the tentative seniority list has not been prepared as per Rules.

Learned counsel for the petitioner would submit that despite the objection raised by the petitioner, no decision has been taken on the tentative seniority list.

Having heard learned counsel for the parties, the present writ petition is disposed of with a direction to the respondent no.2 that the objections filed by the petitioner be decided while taking decision in deciding the seniority matter. The seniority between the Revenue Sub Inspector shall be decided in terms of Rule 27(4) of the Uttarakhand Revenue Sub Inspector (Lekhpal) Service Regulations, 2015, by speaking and reasoned order preferably within a period of three months from the date of production of a certified copy of this order.

In view of the above discussions, the present writ petition is disposed of.”

5. Ld. A.P.O. submitted that the respondent department has prepared the seniority list in compliance of the aforesaid order of the Hon'ble Court, which cannot be undone by the Tribunal. Ld. A.P.O. further submitted that if the petitioner wants to challenge the seniority list dated 16.10.2021 (Annexure: 1) *qua* private respondents (*inter se seniority of petitioner and private respondents*), then petitioner should move for reviewing the order dated 08.10.2020 before the Hon'ble High Court.

6. In reply, Ld. Counsel for the petitioner submitted that the claim petition may be closed *in praesenti* with liberty to the petitioner to get the claim petition reopened as and when so required, in accordance with law, to which Ld. A.P.O. has no objection.

7. The claim petition is closed, with the consent of Ld. Counsel for the parties, as above.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 05, 2024.
DEHRADUN

VM