

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

**CLAIM PETITION NO. 195/SB/2023**

Sohan Singh, aged about 43 years s/o late Sri Baldev Singh,  
Tehsildar, Doiwala, Dehradun, Uttarakhand.

.....Petitioner

versus

1. The Secretary, (Revenue), Govt. of Uttarakhand, Subhash Road, Dehradun.
2. The Chairman, Board of Revenue, Uttarakhand.
3. The Secretary and Commissioner, Department of Revenue & Board of Revenue, Uttarakhand.
4. District Magistrate, Dehradun.
5. Smt. Poonam Pant, Tehsildar, Gradation List No. 13, through respondent no. 3.

..... Respondents

Present: Sri Uttam Singh, Advocate, for the Petitioner  
Sri V.P. Devrani, A.P.O., for the Respondent No. 1  
*Notices not issued to other respondents*

**JUDGEMENT**

**Dated: 11<sup>th</sup> December, 2023**

**Justice U.C. Dhyani (Oral)**

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

“(i) Direct the respondents to decide the representation dated 26.08.2023 of the petitioner regarding seniority (Annexure No. 1).

(ii) To pass any other suitable order, which the Hon'ble Tribunal may deem fit and proper on the basis of facts and circumstances of the case.

(iii) Award the cost of the petition to the petitioner.”

2. Facts in brief are as follows:

2.1 Petitioner was selected as Naib Tehsildar through the Uttarakhand Combined Subordinate Service Exam, 2010. Uttarakhand Public Service Commission *vide* its letter dated 13.06.2013 forwarded the names of the selected candidates to the Govt. for appointment. Thereafter, the Additional Secretary, Govt. of Uttarakhand, Personnel Section-2 *vide* letter dated 11.07.2013 forwarded the list of selected candidates for the post of Naib Tehsildar to the Secretary, Revenue Department, Govt. of Uttarakhand, in which the petitioner's name figured at serial no. 6 for the post of Naib Tehsildar.

2.2 Para 2(2) of the order dated 11.07.2013 stated that in case of the personnel, who are Govt. servant, will be issued appointment letter after production of the 'No-Objection Certificate' from the concerned department. The petitioner was serving in Primary Education Department, District Tehri Garhwal. It is stated in para 4.8 of the claim petition that the petitioner was informed that there was no requirement of 'No-Objection Certificate' from the employer.

2.3 The Revenue Department was required to send the newly appointed Naib Tehsildars for 04 months' training, which was to start from 22.08.2013. However, the petitioner reported for the duty after one month with 'No-Objection Certificate'. When the petitioner reported for duty, the Revenue Board in their letter stated that the applicant would undergo training from April, 2014 to 20.08.2014 as the training of the batch had already started. It is stated in para 4.11 of the claim petition that the Chairman *vide* order dated 27.09.2013 passed an order that the seniority of the petitioner will be protected and it will not affect his seniority. The Govt. *vide* order dated 18.11.2021 placed the name of the petitioner at serial no. 30 of the seniority list of Tehsildars against

which the petitioner moved a representation dated 26.08.2023 to the respondent no. 2, which has not been decided so far.

3. During admission of the claim petition, learned Counsel for the petitioner made an innocuous prayer that a direction be given to the respondent no. 1 to decide the representation of the petitioner. Learned Counsel for the petitioner further submitted that such a direction may be given by Single Bench of the Tribunal.

4. Learned A.P.O. has no objection, if a direction is given to respondent no. 1 to decide the representation of the petitioner, in accordance with law, but after hearing private respondent i.e. respondent no. 5.

5. Without prejudice to the rival contentions, the Claim Petition is disposed of, at the admission stage, with the consent of learned Counsel for the parties, by directing respondent no. 1 to decide the representation of the petitioner, after giving opportunity of hearing to the petitioner and respondent no. 5, by a reasoned and speaking order, without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order along with representation enclosing the documents in support thereof. No order as to costs.

**(JUSTICE U.C. DHYANI)**  
CHAIRMAN

*DATE: 11<sup>th</sup> December, 2023*  
*DEHRADUN*  
*RS*