

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

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CLAIM PETITION NO. 95/DB/2022**

1. Dharmendra Singh Bhandari, s/o Sri Prithvi Singh, aged about 45 years, Village Development Officer, Development Division Doiwala, District Dehradun.
2. Kirtan Singh Butola, s/o Sri Saman Singh, aged about 44 years, Village Development Officer, Development Division Doiwala, District Dehradun.
3. Mahesh Chandra Buriyal, s/o Sri Indra Lal, aged about 43 years, Village Development Officer, Development Division, Ukhimath, District Rudraprayag.
4. Bhanu Prasad Thapliyal, s/o Sri Devanand, aged about 45 years, Village Development Officer, Development Division Jakhanidhar, District Tehri Garhwal

**.....Petitioners**

**vs.**

1. The State of Uttarakhand through Secretary, Rural Development Department, Secretariat, Dehradun.
2. Commissioner, Rural Development Department, Pauri, Uttarakhand.

**.....Respondents**

Present: Dr. N.K.Pant, Advocate, for the petitioners.  
Sri V.P.Devrani, A.P.O., for Respondent No.1.

**JUDGMENT**

**DATED: SEPTEMBER 15, 2022**

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

By means of present claim petition, petitioners seek to direct Respondent No.2 (Commissioner, Rural Development Department, Pauri) to decide pending representations of the petitioners against the tentative seniority list, issued in the year 2017 and issue final seniority list, among others.

2. Ld. A.P.O. objected to the maintainability of the claim petition, *inter alia* on the ground that (i) the claim petition is barred by limitation and (ii) final seniority list of Village Development Officers has already been issued on 23.12.2010 and promotions have already been done on the basis of final seniority list.

3. Ld. A.P.O. further pointed out that in an identical pending claim petition no. 13/DB/2021, in which seniority list dated 23.12.2010 is under challenge, the Tribunal *vide* interim order dated 11.11.2021 has directed that- “promotion to the post of Assistant Block Development Officer shall be subject to final decision of present claim petition”.

4. In reply, Ld. Counsel for the petitioners submitted that the factual matrix of both the claim petitions is entirely on different pedestal.

5. Ld. Counsel for the petitioners, however, confined his prayer only to the extent that petitioners’ pending representations may kindly be directed to be decided by Respondent No.2 by a reasoned and speaking order, at an earliest possible.

6. Ld. A.P.O. further objected that there is no provision for deciding non-statutory representation against the final seniority list.

7. At present the Tribunal is not entering into merits of the claim petition. The innocuous prayer of Ld. Counsel for the petitioners is that petitioners’ representation may kindly be directed to be decided by respondent no.2 after affording opportunity of personal hearing to petitioner no.1, at least, if not all the petitioners.

8. The Tribunal is of the view that, considering the facts of the case, innocuous prayer made by Ld. Counsel for the petitioners is worth accepting.

9. Without prejudice to rival contentions, the claim petition is disposed of at the admission stage by directing respondent no.2 to decide the pending representations of the petitioners, after affording opportunity of personal hearing, at least to petitioner no.1, by a reasoned and speaking order, without unreasonable delay, in accordance with law, on presentation of certified copy of this order along with copy of representation (Annexure: 9). No order as to costs.

10. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

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

*DATE: SEPTEMBER 15, 2022*  
*DEHRADUN*

*VM*