

**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. 104/DB/2022**

1. Kunwar Pal, s/o Chattar Singh, Tube Well Operator, Nalkool Khand, Haridwar, District Haridwar.
2. Rajkumar Pal, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.
3. Gareeb Singh, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.
4. Neelam Kumar, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.
5. Irshad Ali, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.
6. Pramod Kumar, s/o late Sh. Baburam, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
7. Mukesh Kumar, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
8. Mohd. Sipten, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
9. Sikender Singh, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.
10. Rampal, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.
11. Mohd. Kasim, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.

12. Mohd. Akram, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.
13. Ishrar Ahmed, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
14. Sulendra Kumar, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.
15. Amar Singh, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.
16. Ravinder Kumar, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
17. Satish Kumar, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
18. Brijpal, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
19. Ombeer Singh, s/o Ram Singh, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
20. Sunder Pal posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
21. Sunil Kumar, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
22. Jagveer, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
23. Somdutt, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
24. Girvar Singh, s/o Ram Prasad, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
25. Dharampal Singh, s/o Kali Ram, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
26. Satish Kumar Saini, posted as Tube Well Operator, Nalkool Khand, Roorkee, District Haridwar.
27. Gulzar Hassan, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.

28. Vinod Kumar, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.
29. Rajesh Kumar, posted as Tube Well Operator, Nalkool Khand, Dehradun, District Dehradun.

.....Petitioners

versus

1. State of Uttarakhand through Secretary for Department of Irrigation, Government of Uttarakhand, at Dehradun.
2. Engineer-in-Chief, Department of Irrigation, Government of Uttarakhand, Yamuna Colony, Dehradun.
3. Chief Karmik- II, Department of Irrigation, Government of Uttarakhand, Yamuna Colony, Dehradun.

..... Respondents

Present: Sri L.K. Maithani & Sri Abhishek Chamoli, Advocates,  
for the Petitioners  
Sri V.P. Devrani, A.P.O., for the Respondents

### **Judgement**

**Dated: 21<sup>st</sup> September, 2022**

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

By means of present claim petition, the petitioners seek following reliefs :

“(i) To issue an order or direction to the respondents to include the name of the appointee of the year 2012 to 2014 of the Tube well operators (petitioners) in the eligibility list prepared for the promotion to the post of Seench supervisor for the vacancy year 2021-22 and 2022-23 as under the provisions of Service Rules, 2003 the petitioners appointed in the year 2012, 2013 are seniors to the appointee of the year 2013 and 2014 included in the eligibility list and after inclusion of the name of the petitioners consider for promotion to the post of seench supervisor on the basis of seniority subject to rejection of unfit as per provision of Service Rules 2003.

(ii) To issue an order or direction to the respondents to make a combine/ joint seniority list of Tube well operator and Seenchpals as after the promulgation of Service Rules 2003 both the cadres are governed by the same rules and further promotion for both the cadre are on the post of Seench Supervisor.

(iii) To award any other relief in favour of the petitioner which this Hon'ble Court may deem fit and proper in the circumstances of the case.

(iv) To award the cost of the petition."

2. At the very outset, Id. A.P.O. objected to the maintainability of the claim petition, *inter alia*, on the ground that:

- (i) The claim petition is pre-mature;
- (ii) No cause of action arises to the petitioners.
- (iii) The claim petition is time barred.

3. It is the submission of learned Counsel for the petitioners that respondent-department has wrongly initiated the process of promotion of tubewell operator to the post of Irrigation Supervisor on the basis of letter dated 02.08.2022 (Annexure: A4).

4. According to the learned Counsel for the petitioners, Annexure: A4 is contrary to the Irrigation Department Uttaranchal Service of Revenue Subordinate Cadre (Group B & C) Rules, 2003.

5. Learned Counsel for the petitioners further submitted that the Irrigation Union, Uttarakhand, moved several representations to respondent no. 3, but their grievances have not been addressed so far.

6. Learned A.P.O. objected that the petition by Employees' Union is not maintainable before this Tribunal.

7. It may be made clear that the petition has not been filed on behalf of Irrigation Union. It has been filed by 29 petitioners in their individual capacity.

8. Learned Counsel for the petitioners confined their prayer to the extent that the representation of the petitioners be directed to be decided by Engineer-in-Chief, Department of Irrigation, Govt. of Uttarakhand, (respondent no. 2) by a reasoned and speaking order, in accordance with law, to which learned A.P.O. has no objection.

9. Without prejudice to 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. 2 to decide petitioners' fresh representation, in accordance with law, without unreasonable delay, on presentation of certified copy of this order alongwith fresh representation. 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: 21<sup>st</sup> September, 2022*  
*DEHRADUN*  
*RS*