

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

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

----- Chairman

Hon'ble Mr. A.S. Rawat

----- Vice Chairman (A)

CLAIM PETITION NO. 94/DB/2023

1. Sanjay Singh Bisht, aged about 39 years, s/o Preetam Singh Bisht, presently posted at Head Constable, Police Station Patel Nagar, Dehradun.
2. Bhagat Ram, aged about 42 Years, S/o Shri Fakeer Ram, R/o Jawahar Jyoti, Near Sarda Leesa Factory Talla Palot Damua Dhunga kham, Kathgodam, Nainital, Haldwani, Uttarakhand.
3. Digamber Datt Sanwal (Male), Aged about 36 years, S/o Shree Harish Chandra Sanwal, R/o H. NO. 319, Devki Sadan, Charton Loadge, Tallital, Nainital 263002.
4. Lal Singh Adhikari (Male), Aged about 38 years, S/o Shree Diwan Singh, R/o BDS day Hawalat, Thana Haldwani, Nainital 263139.
5. Kamlesh Singh Mehra (Male), Aged about 35 years, S/o Shree Harak Singh, R/o Nali, Pithoragarh, Uttarakhand 262522.
6. Hem Chandra Arya (Male), Aged about 41 years, S/o Shree Pooran Ram, R/o Patholi, Almora, Tarikhet, Uttarakhand- 263663.
7. Deepak Kumar, Aged about 35 years, S/o Shree Lachham Ram, Malli Nali, Nali Malli, Almora- 263623
8. Dheerendra Singh Bisht, Aged about 37 years, S/o Shree Balam Singh, R/o Vill Rantanpur, PO Chakluwa, Ratanpur, Nainital, Haldwani, Uttarakhand- 263139
9. Sanjay Kumar, aged about 33 years, S/o Budhi Lal Shah 00, R/o Langasu, Langasu, chamoli, Langasu, chamoli Uttarakhand.
10. Gopal Singh Chauhan, aged about 38 years, S/o Shri Bachan Singh Chauhan, R/o Police Line Pauri, Pauri Garhwal, Pauri, Uttarakhand.

11. Deepak Kumar, aged about 43 years, S/o Shri Surendra Singh.
R/o Kamal Printing Press Near Sunder Electric and Tent House
Goodown mohbtrey ward Dehradun Uttarakhand.
12. Anshul Singh Barthwal, aged about 37 Years, S/o Shri Bharat
Singh Barthwal, R/o G Block type-2, Tehri, Garhwal, Tehri,
Uttarakhand.
13. Mahendra Pal Singh, aged about 43 years, S/o Shri Surat Singh,
R/o Village Munglori Post Thatyur Thatyur Tehri Garhwal
Uttarakhand.
14. Laxmi Prasad, aged about 31 years, S/o Shir Ganga Durr, R/o
Ulangra, Ulangra, Chamoli, Uttarakhand.
15. Sunil Singh Rawat, aged about 39 years, S/o Shri P.S. Rawat,
R/o
Krishan Vihar Haripur, Majri Mafi Chawk, Jogiwala, Dehradun
City, Dehradun.
16. Pradeep Kumar, aged about 34 Years, S/o Shri Sureshhanand,
R/o
Gokul Vihar Colony, Near D.A.V. School jagjeetpur Kamkhal,
Hardwar, Uttarakhand.
17. Mayank Mamgain, aged about 34 years, S/o Rameshwar Prasad
mamgain, Village Kuhed, Chamoli, Chamoli, Uttarakhand,
18. Anup Singh Barthwal, aged about 34 Years, S/o Shri jagdish
Singh Barthwal, R/o Sonala, Bunil, Chamoli, Uttarakand.
19. Arjun Singh Bisht, aged about 41 Years, S/o Shri Kharka Singh,
R/o Nikeshwar Vihar, Tunwala Road, Ranjhawala, Dehradun,
Uttarakhand.
20. Ranjeet Singh, aged about 34 Years, S/o Shri Chandra Singh, r/o
09, Dewal, Manmati, Kheta, Chamoli, Uttarakhand.
21. Tara Singh, aged about 30 Years, S/o Shri Prem Singh. R/o
Birkham Village, Darami, Almora, Jainti, Uttarakhand.
22. Neeraj Singh Samant, aged about 38 Years, S/o Shri Diwan
Singh Samant, R/o Villagetigari, Khatima, Udham Singh Nagar,
Uttarakhand.
23. Harish Kumar, aged about 36 Years, S/o Shri Badri Ram, R/o
Raikot Kunwar, Champawat, Uttarakhand.

24. Nitin Rautela, aged about 34 years, S/o Arjun Singh Rautela, R/o thana Parishar, Ward No. 2 Gadarpur, Udham Singh Nagar, Uttarakhand.
25. Naveen Chandra, aged about 38 Years, S/o Shri Chandra Shekhar,
R/o Manjh Khet, Majkhet, Bageshwar, Uttarakhand.
26. Chandra Shekhar Takuli, aged about 41 years, S/o Shri Laxman Singh, r/o Munar, Bageshwar, Loharkhet, Uttarakhand.
27. Pankaj Tewari, aged about 39 years, S/o Shir Ramesh Chandra Tewari, R/o Talla Cheena Khan, Almora, Uttarakhand.
28. Naveen Joshi, aged about 34 years, S/o Shir Tara Datt Joshi, r/o Vilas Jagatpura, Rudrapur, Udham Singh Nagar, Uttarakhand.
29. Santosh Singh, aged about 34 years, S/o Shri Chandra Singh, R/o Village Berinaag, Berinag, Pithoragarh, Uttarakhand.
30. Ram Kishan, aged about 42 years. S/o Shri Bishan Ram, R/o Bairati, Almora Chitreshwar, Uttarakhand.
31. Sanjay Bisht, aged about 39 Years, S/o Shri Preetam Singh Bisht, R/o Rajeshwari Niwas, Sidh Puram Colony, Harrawala, Behind Petrol Pump, Harrawawala, Dehradun, Harrawala, Uttarakhand.
32. Sanjay Singh Aswal, aged about 36 years, S/o Shri yashwant Singh Aswal, R/o Bagasu, Uttarkashi, Bagasu, Uttarakhand.
33. Darwan Singh, aged about 37 Years, S/o Shri Late Alam Singh R/o Naraynbagar, Dungri, Chamoli. Uttarakhand
34. Pawan Kumar, aged about 45 Years, S/o Manglu Singh, R/o 41/2, 1 RI Colony, Roorkee, Haridwar, Uttarakhand.
35. Rajendra Singh Nath, aged about 40 years, S/o Dev Singh Nath R/o Room No. 704, Type- 2 Sector -3, Near Dehli Public School, Hardwar, Bhel, Uttarakhand.
36. Satish Chandra Joshi, aged about 39 Years, S/o Shri Rvi Dutt Joshi. R/o colonel Enclave, Dhandhera, haridwar, Uttarakhand.
37. Ashvani Kumar, aged about 40 years, S/o Shri Satyapal Singh, R/o Tiwaya Aht, Saharanpur, Uttar Pradesh.
38. Ravindra Gaur, aged about 33 years. S/o Shri Mansa Ram, R/o Choprakot, kandai- Manakhi. Chamoli, Uttarakhand.

39. Sachindanand Manori, aged about 44 years, S/o Shri Rajendra Prasad R/O 386. Gali No 7- Ganesh vihar, Ganga nagar Rishikesh, Dehradun. Uttarakhand.
40. Toran Singh, aged about 43 years, S/o Shir Siyaram Singh, R/o Village Jarva Katra Thana Malpura Agara, U.P.
41. Manoj Singh Panwar, aged about 33 years, S/o Shri Prahlad Singh Panwar, R/o C- 14 Type 01 Police Quarter, 03 Post Office Road, Thana Clement Town, Bharuwal Grant (og), Dehradun Uttarakhand.
42. Dharamveer Singh aged about 31 years, S/o Shri Nanhu Singh R/O Badiyowala P.S. Jashpur Udham Singh Nagar.
43. Birjesh Rana, aged about 32 years, S/o Shri vijender Singh .R/o PO. Arakot Tehsil Mori, Damti Thunara, Arakot, Uttarakashi Uttarakhand.
44. Girish Singh, aged about 31 years, S/o Shri Kirtan Singh. R/o Koti Manpa, Po Gangtari, Koti manpa, Uttarkashi, Burkot Uttarakhand.
45. Firoz Khan, aged about 33 years, S/o Shri Sajjad Khan, R/o Ward No. 6, Bhoot Bangla, Radrapur, Udham Singh Nagar, Uttarakhand.
46. Ramesh Giri, aged about 41 years, S/o Dev Giri, R/o Nanakmatta, Udham Singh Nagar, Uttarakhand.
47. Prem Singh Negi, aged about 34 years, S/o Shri Jeeven Singh Negi, R/o Raj Niwas, Near Sinchai Colony, Tildhukri, Pithoragarh, Uttarakhand.
48. Raj Bhanu Bisht, aged about 36 years, S/o Jagdish Chandra Bisht,
R/o Kotwali, Rudrapur Udham Singh Nagar, Uttarakhand.
49. Manvir Saha, aged about 39 years S/o Shri jabar Lal R/o 149 Police Line races cross Road Dehradun.
50. Yashvant Singh, aged about 37 years S/o Anand Singh, R/o 18, majhakot, Dhaniyakot, Nainital Dhaniakote, Uttarakhand.
51. Manoj Kumar, aged about 42 years, S/o Puran Singh R/o Dudhai post koti Shashpur Dehradun.
52. Jashvant Singh Bisht aged about 36 Years, S/o Late Yudhvir Singh R/o Devrishi enclave patelnagar Dehradun.

53. Arvind Prasad, aged about 36 years, S/o Puroshotam R/o moti pur near Mahendra Chock Dehradun.
54. Itendra Dabral aged about 37 years S/o Girish Chandra Dabral R/o Dabar, Dhaikhal, Devikhet, Pauri Garhwal.
55. Anil Agri aged about 41 S/o Late B.L. Agri R/o auli Chamoli.
56. Tribhuwan Singh, aged about 39 Years S/o Shispal Singh R/o Dekoliya Nodadu Pauri Garhwal.
57. Pawan Kumar, aged about 38 years, S/o Kishan Lal R/o Nanak Matta, District U.S. Nagar.
58. Satish Kumar, aged about 38 years S/o Manphool Singh R/o Ghosipura Manglor, Distt Haridwar.
59. Gaurav Rawat S/o Gajendra Rawat R/o Shivganga Enclave, Sahastradhara Road, Dehradun.
60. Sonu Singh S/o Prithvi Singh R/o Bijopura, Laksar, Haridwar.
61. Yudhveer Singh Farsvan S/o Abbai Singh aged about 36 years R/o Lassari, District Chamoli.
62. Laxman Singh Negi aged about 32 years S/o Shoorveer Singh Negi R/o Barkot, District Uttarkashi.
63. Mahiendra Singh Palni S/o Kundan Singh Palni, aged about 42 years R/o Jagdambika Vihar, Kathgaria, Haldwani, District Nainital.
64. Rajendra Singh S/o Matvar Singh aged about 34 years R/o Uttarashu, District Pauri Garhwal.
65. Deepak Lekhak, S/o Bansi Dhar Lekhak aged about 42 years R/o Maithana, District Pithoragarh.
66. Munna Negi S/o Roop singh Negi aged about 31 years R/o Deheria Muhani, Haldwani, District Nainital.
67. Deepak Chandra Joshi S/o Girish Chandra Joshi aged about 39 years R/o Kashipur, District Udham Singh Nagar.
68. Manoj Negi S/o Virender Singh aged about 43 years R/o Padam Pur, District Pauri Garhwal.
69. Lalit Bisht S/o Brij Mohan Bisht aged about 33 years R/o Gadarpur District US Nagar.
70. Darmiyan Singh Rawat S/o Vijay Pal Singh aged about 44 years Veer Bhadra, Rishikesh, District Dehradun.

71. Shekhar Prasad Kavi S/o Gajendra Dutt aged about 36 years,
Nain Gaon, District Tihri Garhwal.

.....Petitioners

versus

1. State of Uttarakhand through additional Chief Secretary Home, Secretariat, Dehradun.
2. Director General of Police, Police Head Quarter, Uttarakhand, 12 Subhash Road, Dehradun – 248001.
3. Inspector General of Police, Police Head Quarter, Uttarakhand, 12 Subhash Road, Dehradun – 248001.
4. Head Constable 92, Nagrik Police, Mahesh Singh S/o Narayan Singh, US Nagar.
5. Head Constable 03, Nagrik Police, Suresh Pal S/o Parmeshwari Singh, Haridwar.
6. Head Constable 36, Nagrik Police, Prayag Ram S/o Mohan Ram, Almora.
7. Head Constable 28, Nagrik Police, Ramesh Chandra Bhatt S/o Durga Dutt, US Nagar.
8. Head Constable, Nagrik Police, Devendra Singh S/o Mhaveer Singh, Police Head Quarter, Dehradun.
9. Head Constable 61, Nagrik Police, Keshav Ram S/o Amar Ram, US Nagar.
10. Head Constable 45, Nagrik Police, Diwan Singh S/o Bhupal Singh, Almora.
11. Head Constable 33, Nagrik Police, Dham Singh S/o Mohan Singh, Nainital.
12. Head Constable 66, Nagrik Police, Digmabar Dutt S/o Pitambar Dutt, Nainital.
13. Head Constable 46, Nagrik Police, Narayan Dutt S/o Mathura Dutt, Almora.
14. Head Constable 190, Nagrik Police, Ram Niwas S/o Prem Chand, Dehradun.

15. Head Constable 68, Nagrik Police, Prakash Ram S/o Kashi Ram, Nainital.
16. Head Constable 13, Nagrik Police, Umed Singh S/o Narayan Singh, Haridwar.
17. Head Constable 186, Nagrik Police, Virender Singh S/o Shyam Singh, Dehradun.
18. Head Constable 193, Nagrik Police, Naveen Chand S/o Bacchi Ram, Dehradun.
19. Head Constable 71, Nagrik Police, Jaiveer S/o Mahaveer, Nainital.
20. Head Constable 20, Nagrik Police, Jagat Singh Rokli S/o Kala Singh Rokli, Pithoragarh.
21. Head Constable, Nagrik Police, Dhanraj Singh S/o Gabbar Singh, CID, Haldwani.
22. Head Constable 187, Nagrik Police, Vijay Prasad Raturi S/o Surender Dutt Raturi, Dehradun.
23. Head Constable 16, Nagrik Police, Diwan Singh Rautela S/o Khem Singh Rautela, Bageshwar.
24. Head Constable 94, Nagrik Police, Ranjit Lal S/o Sajjan Lal, Dehradun.
25. Head Constable 46, Nagrik Police, Naveen Chand Saurari S/o Bhawani Dutt Saurari, Champawat.
26. Head Constable 72, Nagrik Police, Sayeed Ahmed S/o Sher Mohammad, Nainital.
27. Head Constable 33, Nagrik Police, Sudheer Kumar S/o Surender Singh, Tehri Garhwal.
28. Head Constable 73, Nagrik Police, Dhanpal Sharma S/o Shiv Dutt Sharma, Nainital.
29. Head Constable Nagrik Police____, Kundan Singh S/o Mohan Singh Bora, Nainital.
30. Head Constable 45, Nagrik Police, Ram Singh S/o Ratan Singh, Almora.
31. Head Constable 38, Nagrik Police, Bahadur Singh Napalchial S/o Madan Singh Napalchial, Pithoragarh.

32. Head Constable 48, Nagrik Police, Bhupal Ram S/o Mathura Prasad, Almora.
33. Head Constable 20, Nagrik Police, Keshar Singh S/o Gokul Singh, Haridwar.
34. Head Constable___, Nagrik Police, Ganesh Lal S/o Heera Lal, Uttarkashi.
35. Head Constable 74, Nagrik Police, Rajender Prasad S/o Digar Ram, Nainital.
36. Head Constable 43, Nagrik Police, Mukesh Kumar S/o Shyam Lal Dhiman, Haridwar.
37. Head Constable 76, Nagrik Police, Satya Pal S/o Lalta Prasad, Nainital.
38. Head Constable, Nagrik Police, Ashok Kumar S/o Kamal Singh, Haridwar.
39. Head Constable 189, Nagrik Police, Vijay Prakash S/o Zaalim Das, Dehradun.
40. Head Constable 55, Nagrik Police, Kishan Singh Bisht S/o Man Singh Bisht, Pithoragarh.
41. Head Constable 77, Nagrik Police, Lakhwinder Singh S/o Diljoginder Singh, Nainital.
42. Head Constable 47, Nagrik Police, Kapur Kumar Pal S/o Hridyaraj Pal, Champawat.
43. Head Constable 339, Nagrik Police, Manoj Kumar S/o Bacchi Ram, Haridwar.
44. Head Constable 33, Nagrik Police, Bhagwan Singh S/o Chandan Singh, Chamoli.
45. Head Constable 84, Nagrik Police, Harish Chandra Arya S/o Moti Ram, US Nagar.
46. Head Constable, Nagrik Police, Manoj Kumar S/o Rajpal Singh, CCPS.
47. Head Constable 78, Nagrik Police, Man Singh S/o Prem Singh, Nainital.
48. Head Constable 49, Nagrik Police, Dhani Ram S/o Vishambar Singh, Almora.

49. Head Constable 56, Nagrik Police, Vinod Chand S/o Khyali Dutt, Pithoragarh.
50. Head Constable 18, Nagrik Police, Dinesh Chand S/o Janardhan Joshi, Bageshwar.
51. Head Constable, Nagrik Police, Vijay Pal S/o Udal Singh, Almora.
52. Head Constable 41, Nagrik Police, Dhanpal Singh S/o Jai Pal Singh, Haridwar.
53. Head Constable 41, Nagrik Police, Surender Kumar S/o Manohar Ram Arya, Rudraprayag.
54. Head Constable 46, Nagrik Police, Teekam Singh Rana, Juman Singh Rana, Haridwar.
55. Head Constable 51, Nagrik Police, Sunder Lal S/o Hari Ram, Almora.
56. Head Constable 48, Nagrik Police, Deepak Kumar S/o Jagat Singh, Champawat.
57. Head Constable 195, Nagrik Police, Dinesh Chandra Khanduri S/o Bal Kishan Khanduri, Dehradun.
58. Head Constable 49, Nagrik Police, Vinod Kumar Singh S/o Niranjana Singh, Champawat.
59. Head Constable 80, Nagrik Police, Pushkar Lal Arya S/o Diwani Ram Arya, Nainital.
60. Head Constable 196, Nagrik Police, Manwar Singh negi S/o Ranjit Singh Negi, Dehradun.
61. Head Constable 81, Nagrik Police, Rakesh Gurung S/o Ram Singh Gurung, Haridwar.
62. Head Constable 36, Nagrik Police, Praveen Kumar S/o Harpal Singh, Haridwar.
63. Head Constable 23, Nagrik Police, Harish Lal S/o Joga Ram, Bageshwar.
64. Head Constable 81, Nagrik Police, Uday Singh S/o Chet Ram Rana, Nainital.
65. Head Constable 198, Nagrik Police, Ashok Kumar S/o Balbeer, Dehradun.
66. Head Constable 86, Nagrik Police, Ramesh Kumar Tamta S/o Bahadur Ram Tamta, US Nagar.

67. Head Constable, Nagrik Police, Sanjay Kumar Chauhan S/o Dhani Ram, Haridwar.
68. Head Constable 128, Nagrik Police, Vijay Singh Negi S/o Chatar Singh Negi, Haridwar.
69. Head Constable 89, Nagrik Police, Ramesh Chand S/o Gopal Ram, US Nagar.
70. Head Constable 82, Nagrik Police, Kedar Singh S/o Meherban Singh, Nainital.
71. Head Constable 199, Nagrik Police, Chatarpal Singh S/o Chokhe Ram, Dehradun.
72. Head Constable 131, Nagrik Police, Anil Kumar Singh S/o Chattar Singh, Haridwar.
73. Head Constable 132, Nagrik Police, Balbeer S/o Bhuru Ram, Haridwar.
74. Head Constable 133, Nagrik Police, Mohar Singh Chauhan S/o Kal Singh Chauhan, Haridwar.
75. Head Constable 50, Nagrik Police, Anant Ram Singh Rana S/o Ram Prasad, Champawat.
76. Head Constable 05, Nagrik Police, Bhaskar S/o Kamal Dass, Tehri Garhwal.
77. Head Constable 135, Nagrik Police, Asarh Singh S/o Kedar Singh Pawar, Haridwar.
78. Head Constable 100, Nagrik Police, Mohan Singh Rawat S/o Jodh Singh Rawat, US Nagar.
79. Head Constable 53, Nagrik Police, Rajveer Singh S/o Ranveer Singh, Almora.
80. Head Constable 136, Nagrik Police, Anil Kumar Saini S/o Kallu Singh, Haridwar.
81. Head Constable 138, Nagrik Police, Bharat Singh S/o Virender Singh, Haridwar.
82. Head Constable 124, Nagrik Police, Kapil Yadav S/o Harpal Singh Yadav, US Nagar.
83. Head Constable 03, Nagrik Police, Jagat Singh S/o Karan Singh, GRP.

84. Head Constable 125, Nagrik Police, Satender Pal Singh S/o Rajendra Singh Tomar, US Nagar.
85. Head Constable 208, Nagrik Police, Shailendra Kumar S/o Jai Narayan Sharma, Dehradun.
86. Head Constable 12, Nagrik Police, Lokendra Singh, Ram Sharan, Tehri Garhwal.
87. Head Constable 83, Nagrik Police, Lekhraj S/o Wajeer Chand, Nainital.
88. Head Constable 141, Nagrik Police, Harish Chand S/o Keli Mistri, Haridwar.
89. Head Constable 200, Nagrik Police, Nagendra Singh S/o Sohan Singh, Dehradun.
90. Head Constable 201, Nagrik Police, Sukhdev Singh S/o Man Singh, Dehradun.
91. Head Constable 142, Nagrik Police, Sultan Singh S/o Saar Singh, Haridwar.
92. Head Constable 84, Nagrik Police, Jaipal Singh S/o Gumani Singh, Nainital.
93. Head Constable 202, Nagrik Police, Ramesh Chandra Joshi S/o Mathura Dutt Joshi, Dehradun.
94. Head Constable 54, Nagrik Police, Jagdeesh Prasad S/o Dharam Ram, Almora.
95. Head Constable 126, Nagrik Police, Mahesh Chand S/o Til Ram, US Nagar.
96. Head Constable 86, Nagrik Police, Bhupendra Singh Bisht S/o Nand Singh Bisht, Nainital.
97. Head Constable, Nagrik Police, Kanwar Pal S/o Malkhan Singh, PHQ.
98. Head Constable 128, Nagrik Police, Shanti Prakash S/o Govind Ram, US Nagar.
99. Head Constable 144, Nagrik Police, Tarun Kumar S/o Disomdi Rai, Haridwar.
100. Head Constable 129, Nagrik Police, Mohd. Qasim Siddiqui S/o Lt Naeemullah, US Nagar.

101. Head Constable 145, Nagrik Police, Naveen Bijalwam S/o Shyam Lal Bijalwan, Haridwar.
102. Head Constable 146, Nagrik Police, Devendra Singh S/o Bhram Singh, Haridwar.
103. Head Constable 147, Nagrik Police, Bhagat Ram Nautiyal S/o Daya Ram Nautiyal, Haridwar.
104. Head Constable 130, Nagrik Police, Sanjay Kumar Singh S/o Purushottam Singh, US Nagar.
105. Head Constable 148, Nagrik Police, Hukum Singh Thakur S/o Bacchan Singh, Haridwar.
106. Head Constable 150, Nagrik Police, Ram Avtar Ram S/o Shyam Lal Ram, Haridwar.
107. Head Constable 15, Nagrik Police, Ram Niwas S/o Murali, Tehri Garhwal.
108. Head Constable 188, Nagrik Police, Ashok Kumar S/o Ram Prasad Singh, Nainital.
109. Head Constable 151, Nagrik Police, Mahesh Chand Sriwas S/o Hazari Lal Sriwas, Haridwar.
110. Head Constable 26, Nagrik Police, Kundan Lal S/o Ranjeet Ram, Almora.
111. Head Constable 17, Nagrik Police, Imamuddin S/o Waseem Mohammad, Tehri Garhwal.
112. Head Constable 87, Nagrik Police, Harbhajan Singh S/o Bhikari Singh, Nainital.
113. Head Constable 131, Nagrik Police, Virender Kumar S/o Ram Bachan Prasad, US Nagar.

..... Respondents

Present: Sri Deepak Singh, Advocate, for the petitioners
 Sri V.P. Devrani, A.P.O., for the official Respondents
 Sri Abhishek Chamoli, Advocate, for private respondents
 no. 9, 10, 12, 15 to 18, 19, 20 to 25, 28, 34, 35, 37, 39,
 42, 43, 45, 46, 47, 48 to 52, 54, 56 to 59, 60 to 64, 63, 67
 to 69, 70, 71, 72, 74, 77, 78, 81, 82, 89, 91, 92, 93, 94,
 96, 97, 99, 101, 103 to 105, 108, 109 and 110 to 112

JUDGEMENT

Dated: 9th July, 2025

Mr. Justice U.C. Dhyani, Chairman

Mr. A.S. Rawat, Vice Chairman (A)

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

“(i) To quash the impugned order dated 24.02.2023 along with Final seniority List dated 24.02.2023 and to quash consequential promotion order dated 25.02.2023 and redraw the Seniority List of Head Constables by placing the Petitioners in rotation with Head Constables promoted on 09.11.2020 in the selection year 2020 - 2021 and to grant promotion to Petitioners to the post of Additional Sub Inspector.

(ii) Issue any other, order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the present case.

(iii) Award costs to the petitioner.”

2. Petitioner HC Sanjay Singh Bisht has filed affidavit on behalf of the petitioners, in support of their claim petition and have also filed relevant documents in support of the same.

3. Brief facts giving rise to the present claim petition are as follows:

3.1 *Vide* promotion order dated 09.11.2020, 221 constables were promoted on the basis of seniority to the post of Head Constable (Civil Police) in accordance with Rule 24(b) of "UTTARAKHAND POLICE CONSTABLE & HEAD CONSTABLE (CIVIL POLICE, INTELLIGENCE & PAC) SERVICE RULES, 2018 (for short, Rules of 2018)".

3.2 In the year 2020, 394 posts of Head Constable were lying vacant out of which 50% posts were to be filled by promotion and 50 % by departmental exam. As per Rule 24 (a) of the Rules of 2018, 50% vacant posts were reserved for candidates who were successful in the Departmental Examination and as per Rule 24 (b),

50% vacant posts were to be filled on the basis of seniority subject to rejection of unfit.

3.3 On 22.01.2021, the respondent no. 3, *vide* its letter no. DG-7-18-2020(3) invited applications from eligible Constables for promotion through Departmental promotional examination from Constable cadre to Head Constable Cadre. These posts were the vacant posts till the year 2020 (i.e. 394 vacant posts of Head Constables). Out of total number of vacancies, 50% were filled from seniority basis and 50% from the examination basis. The last date of application was 27.01.2021. The Petitioners and other candidates (including private respondents herein) appeared in this examination.

3.4 On 23.11.2021, Rules 24 & 27 of "UTTARAKHAND POLICE CONSTABLE & HEAD CONSTABLE (CIVIL POLICE, INTELLIGENCE & PAC) SERVICE RULES, 2018" were amended.

3.5 By way of above amendment in Rule 24 and 27, 50% quota of Head Constable to be filled by departmental exam was abolished and 100% posts were to be filled by promotion. Seniority of the candidates selected through departmental examination was to be counted from the date of their substantive appointment on the post of Head Constable.

3.6 On 08.01.2022, the list of finally selected candidates was issued by Uttarakhand Subordinate Services Commission, Dehradun and the petitioners along with a total 230 candidates had been declared successful in the examination for the post of Head Constable in Civil Police (Male). On 02.02.2022, the Respondent no 2 *vide* letter DG-1/ A-161/2021 instructed the aforesaid selected candidates to join Training of 4 months commencing from 17.02.2022. On 06.10.2022, promotion orders of the petitioners were issued.

3.7 On 09.09.2022, the Additional Chief Secretary Home, Uttarakhand informed the Director General of Police Uttarakhand

about the Cabinet Decision providing for creation of 1750 new posts of Additional Sub Inspector (ASI).

3.8 Respondent No. 3 issued tentative seniority list dated 13.10.2022 pertaining to the petitioners which was circulated on 17.10.2022 wherein the respondent no. 3 has provided the year of selection of the petitioners as 2021. However, the said tentative seniority list dated 13.10.2022 circulated on 17.10.2022 was never finalized and was illegally changed to provide benefit to the private respondents who were apparently junior and which has culminated into issuance of the impugned final seniority list dated 24.02.2023.

3.9 After the declaration of new post of Additional Sub Inspector (ASI), The Home Department of Uttarakhand again amended Rules 24 & 27 and 'Uttarakhand Police Constable & Head Constable (Civil Police, Intelligence and Armed Police) Service Rules 2022.

3.10 On 03.11.2022, the respondent no. 3 released the tentative seniority list of Head Constables along with the petitioners, with a comment that if any candidate has any objection regarding his seniority, then he should submit the same within 03 days along with documentary evidence to the Headquarter, which was finalized on 11/11/2022 without resolving the objections raised by the petitioners.

3.11 According to the petition, *vide* letter dated 11.11.2022 the respondent no. 3 clearly violated Rule 27 (d) of Uttarakhand Police Constable & Head Constable (Civil police, Intelligence and Armed Police) Service Rule 2018 and Rule 27 (c) of Uttarakhand Police Constable & Head Constable (Civil police, Intelligence and Armed Police) Service Rule 2021. **The Respondent no. 3 has wrongly mentioned the selection year of the applicants for the post of Head Constable as year 2022 instead of the actual selection year 2021 and the promotion date has wrongly been shown as 06.10.2022 instead of the actual date of promotion i.e. 17.02.2022.**

3.12 On 18.11.2022, the Respondent no 3 vide its letter no. DG-7-20-2022(1) requested the Respondent no 1 to give relaxation to fill the remaining posts of Additional Sub Inspector because many of the Head Constables had not completed the qualifying service of 02 years required for promotion to the post of Head Constables. The Respondent no. 1 on 04.01.2023 provided relaxation in the selection process of Additional Sub Inspector from Head Constable Cadre.

3.13 On 26.11.2022 the Respondent no. 3 issued a new seniority list of 1611 Head Constables promoted from the Constable cadre. They were promoted without participating in the Training program (PTC) in compliance of letter no. DG-7-20-2022 (1) dated 18.11.2022 sent by Respondent no 3 to Respondent no 1.

3.14 On 10.01.2023, the respondent no 2 vide letter DG-7-194(7) 2022 had clearly mentioned that only those candidates are eligible for participating in Selection process for the post of Additional Sub Inspector who had qualified the Departmental Promotion Examination in the year 2022 and those who had qualified the same before the said year.

3.15 On 28.01.2023, the Respondent no 2 vide letter DG-7-208-2022(2) again released an impugned provisional Seniority List of Head Constables. The list has been prepared by selecting the candidates from both the lists i.e. petitioners from the list dated 11.11.2022 and private respondents from the list dated 26.11.2022 (those who had been promoted without succeeding in the Departmental Exam and without requisite training i.e. PTC).

3.16 On 30.01.2023, the petitioners and some other candidates submitted their objections before the Respondent no. 3 with regard to the impugned provisional Seniority List dated 28.01.2023. The petitioners who are Head Constables challenged the validity of the earlier provisional Seniority List of Head Constables (Male) appointed as Civil Police Cadre (as issued vide letter no DG-7-208-

2022(2) dated 28.01.2023 issued by the office of Respondent no 2), by means of Writ Petition (S/S) No. 179 of 2023 'Digambar Datt Sanwal and others vs. State of Uttarakhand and others' before Hon'ble Court which was disposed of by the Hon'ble Court *vide* judgment dated 01.02.2023 thereby extending the time period (within which the petitioners were to prefer their objections to the tentative seniority list dated 28.01.2023). Thereafter, *vide* judgment dated 01.02.2023, the respondent no. 3 was directed to decide petitioners' objections by a speaking and reasoned order before issuing the final seniority list.

3.17 Petitioners preferred their representations dated 06.02.2023 before the respondent no. 3, within this time limit of 7 days as prescribed by this Hon'ble Court *inter alia* taking the grounds as mentioned therein challenging the tentative seniority list dated 28.01.2023. Respondent no. 3 *vide* impugned order dated 24.02.2023 disposed of the petitioner's representation holding them to be meritless. The respondents issued impugned seniority list on 24.02.2023. The petitioners challenged the impugned seniority list dated 24.02.2023 by filing writ petition no. 383 of 2023, which was dismissed on the ground of alternative remedy.

4. The present claim petition filed by the petitioners has been contested on behalf of official respondents. Ms. Shahjahab Javed Khan, Additional Superintendent of Police (Personnel), Uttarakhand Police Headquarters, has filed counter affidavit on behalf of respondents no. 1 to 3, mainly stating the following:

4.1 After the creation, State of Uttarakhand notified Uttarakhand police Constable & Head constable (Civil police, Intelligence & Armed Police) Service Rules 2018 on 19.11.2018. Rule 5(2) of such Rules deals with promotion/ appointment to the post of Head Constable reads as under:

“5(2) Source of Recruitment— (i) The recruitment of the 50 percent of the vacancies of Head Constable shall be made by promotion through a departmental examination held amongst the constables who must have not attained the age of 45 years on the first day of

selection year and must have rendered at least 05 years of complete service on the post of constable.

(ii) The remaining 50 percent of the vacancies shall be made from amongst such, who have completed 05 year of service as such on the first date of the selection year, on the basis of seniority subject to rejection of unfit.”

4.2 Thereafter an advertisement was issued *vide* PHQ letter no. DG/07/18-2020(3) dated 22.01.2021 to fill up 394 vacant posts of Head constable (Head constable civil police - 259 & Head constable intelligence -135) as per rule 5(2) of the said rules by conducting Departmental Promotion examination. The last promotion through departmental promotion examination for promotion to Head constables (from Constable) in civil police was done in the year 2012. These 394 posts of head constable were the vacant posts from year 2012 to year 2020. The last departmental exam was conducted in the year 2012.

4.3 The Uttarakhand Subordinate Service Selection Commission, Dehradun *vide* notification dated 08.01.2022 issued the final selection list of promotion on the posts of Head constable (Civil police, intelligence & Armed police) through departmental promotion examination.

4.4 The provision of training and promotion as laid down in Uttarakhand constable & Head constable (Civil Police, Intelligence & Armed Police) Services Rules, 2018, were amended in 2019 & 2021 and read as under:

“11. The candidates selected for promotion training to the post of head constable shall be provided such a fundamental and practical training as may be prescribed by the State Government or the head of the department.

12. After completion of fundamental training successfully orders shall be issued by the Appointing Authority for their appointment to the post of head constable Armed Police.”

4.5 Finally selected candidates for the post of Head constable were sent for training of 04 months' basic training & 2 months' practical training by the Department commencing from 17.02.2022.

4.6 The Uttarakhand Police Constable and Head Constable (Civil Police, Intelligence and Armed Police) Service (Second Amendment) Rules 2021 were promulgated *vide* Uttarakhand Govt. notification no. 1290 dated 23.11.2021 the criteria for promotion on the post of head constable was changed. 100% vacant posts of constable were to be filled by promotion on the basis of seniority subject to rejection of unfit & accordingly the amendment was carried out in the Rules 24 & 27 of the Rules of 2018. The amended provisions are as hereunder:-

“24— The promotion to the post of Head Constable shall be done from amongst the eligible candidates through promotion as under:

(a) 100 percent post of total sanctioned post of Head Constable shall be made from amongst such substantially appointed police constable who have completed 5 year of service including probation period as such on the first date of the selection year, on the basis of seniority subject to rejection of unfit.

(b) Promotion on 100 percent vacancy on post of head constable on the basis of seniority rejecting the unfit shall be done according to procedure given in Annexure-8.

27(a)—The seniority of the persons appointed substantively shall be determined on the basis of Uttarakhand Government Servant Seniority Rules, 2002, as amended from time to time.

At the time of promotion process etc. a cadre wise seniority list shall be prepared for the employees of Civil Police, Intelligence and Armed Police.”

4.7 *Vide* Govt. order dated 14.11.2022, 1750 posts of Additional sub inspector were created and Additional Sub-Inspector, Uttarakhand Police Constable, Head Constable and Additional Sub-Inspector (Civil Police, Intelligence and Armed Police) Service (Amendment) Rules 2022 were promulgated *vide* Uttarakhand Govt. notification no. 1155/xx-1/2022-01(15)/2021

T.C. dated 20.10.2022. Clause (3) was inserted in Rule 5 of the Service Rules as follows:-

“Amendment of Rule 5— 5(3) Cadre wise such Head Constable (Civil Police (Male/ Female)/ Intelligence and Armed Police) shall be eligible for promotion on the vacant posts of Additional Sub-Inspector (Civil Police 9male/ Female)/ Intelligence and Armed Police), who have completed the qualifying service of 2 years on the post of Head Constable on the first day of July of the selection years on the basis of 100 percent by seniority, subject to the rejection of unfit.”

4.8 Apart from the above, after clause (c) of Rule 27 of the rules for determining the seniority of head constable, clause (d) and clause 9(e) were inserted on 20.10.2022, as follows:

“Amendment of Rule 27—9(d) The cadre wise seniority of the Head Constable appointed by the departmental selection examination in the same selection year and the Head Constable (Civil Police/ Intelligence/ Armed Police) promoted on the basis of seniority, as far as possible, the quota for both the sources shall be determined by rotation (the first place shall be given to the person promoted by seniority).

(e) The Seniority of the Additional Sub-Inspector shall remain as per the final seniority of the cadre wise fixed on the post of Head Constable.”

4.9 Pursuant to the above provisions mentioned in Paragraph 04, Rule 27 (a) and (b) Uttarakhand police Constable, Head Constable and Additional Sub-Inspector (Civil Police, Intelligence and Armed Police) Service (Amendment) of Rules, 2022, action was taken to prepare seniority list for promotion to the post of Additional Sub Inspector Civil Police to the personnel who have completed 02 years of qualifying service on the post of Head Constable. Thereafter, *vide* Police Headquarters letter dated 11.11.2022, the final seniority list of all the Head constables available at that time was issued by the respondent no. 2, in which the **personnel promoted to the post of Head Constable on 06.10.2022 were also included.**

4.10 In view of the above final seniority list, 328 Head Constables, Civil Police were promoted to the post of Additional Sub Inspector Civil Police on 17.11.2022, against 785 posts of Additional Sub Inspector Civil Police. Due to non-availability of qualified personnel (Head Constable with 02 years tenure) promotion to the remaining post of Additional Sub-Inspector Civil Police (Male) could not be made.

4.11 In spite of furnishing the objections, some of the Head constable promoted/appointed through Departmental promotion examination (present claim petitioners) challenged the tentative seniority list dated 28.01.2023 before the Hon'ble high court by way of filing writ petition No. 179 (S/S) of 2023, Digambar Datt Sanwal and others vs. State of Uttarakhand and others, in which The Hon'ble Court gave 7 more days' time to file the representation and the respondents were directed to dispose of the representations by speaking order.

4.12 After considering the objections invited against the tentative seniority list dated 28.01.2023, the final seniority list of the head constables (dated 24.02.2023) was issued by the respondent no. 2 in accordance with the rule 8(3) of the Uttarakhand Govt. Servant Seniority Rules, 2002 read with the rule 27(d) of the Uttarakhand Police Constable, Head Constable, Additional Sub Inspector Rules, 2018, as amended in years 2018, 2021 & in the year 2022, on 24.02.2023, which is under challenge in this claim petition.

5. Sri Abhishek Chamoli, learned Counsel for the private respondents has adopted the counter affidavit filed on behalf of the official respondents.

6. Rejoinder affidavit has been filed by the petitioner mainly stating the following:

6.1 Since the petitioners were promoted on 06.10.2022 and the amendments in the Rules of 2018 were made on 23.11.2022, therefore the applicable rules on the petitioners are unamended

Rules of 2018 according to which the **Seniority of the Head Constables should be counted from the date of commencement of their PTC training which, in the instant case, is 16.02.2022 and it was for this reason only that the tentative seniority list of Head constables was issued on 13.10.2022.** The petitioners were rightly placed in seniority list. Hence, the seniority of the petitioners has to be counted from 16.02.2022 and not from the date of their substantive appointment made *vide* promotion order dated 06.10.2022.

6.2 Petitioners appeared in their exam on 21.02.2021 and the result was declared on 08.01.2022. Rules of 2018 were applicable to them.

6.3 The petitioners were promoted on the post of Head Constable on 06.10.2022 and 1750 posts of Head Constables and 1750 posts of ASI were created on 14.11.2022, which is after the petitioner had already been promoted.

6.4 The final seniority list dated 11.11.2022 has been wrongly prepared wherein the selection year of the petitioners was wrongly marked as 2022 by way of imposing the amended rules on the petitioners. **Even in the final seniority list dated 11.11.2022, the names of private respondents were not found as these respondents were not Head Constables as they were promoted on the post of Head Constables only on 26.11.2022 i.e. after issuance of final seniority list dated 11.11.2022.**

6.5 The respondents no. 2 and 3 made this arbitrary list by placing the Petitioners in rotation with the private Respondents, whereas the process of placing in rotation was already abolished by way of amending the Rules of 2018 on 23.11.2021. As a matter of fact, the petitioners were picked up from Final Seniority list dated 11.11.2022 and were wrongly placed in rotation with Private Respondents who were promoted to the post of Head Constables on 26.11.2022 on the basis of seniority and these private

Respondents had not been promoted on the basis of Departmental Exam, which is contrary to the terms of Letter dated 10.01.2023.

7. Learned Counsel for the petitioners argued that the petitioners have been promoted against the vacancies of the year 2020, the last date for applying was 23/01/2021, they were selected for the posts of the Head Constable on 08/01/2022. The training to the petitioners was given from 7/02/2022 to 6/10/2022. The seniority of the petitioners should count from date of starting training i.e. 17/02/2022 as per Rule 27 (d) of Rules of 2018 and Rule 27(c) of the Rules of 2021 and they should be considered as appointed in the year 2021. The petitioners along with other Head Constables appointed in the year 2021-22 have been given relaxation of qualifying service of two years as Head Constable for promotion to the posts of ASI. Although the letter dated 10/01/2023 seeking information for filling the posts of the ASI mentions the personnel appointed through Departmental Examination in 2022 and all the personnel before that, but the Head Constables appointed on 26/11/2022 on seniority basis were also considered for promotion along with the petitioners by changing promotion year of the petitioners from 2021 to 2022. So the private respondents have been given undue advantage of seniority and promotion on the post of Additional Sub inspector of Police. Impugned order dated 24/02/2023 and the seniority list dated 24/02/2023 are liable to be set aside.

8. Learned counsel for the private respondents submitted that the claims of the petitioners are not justified under the provisions of the Uttarakhand Police Constable and Head Constable (Civil Police, Intelligence and the Armed Police) Service Rules, 2018, as amended in 2019, 2021 and 2022. The seniority list has been prepared as per the provisions of the Uttarakhand Government Servants Seniority Rules, 2002 as amended from time to time. The promotion orders of the petitioners and the private respondents have been issued as per the Rules of 2018 and subsequent amendments. The petitioners were selected and after

giving them Basic training and Practical training , their promotion orders were issued on 6/10/2022 (after passing the mandatory training) as per the Rules of 2018 and amended Rules of 2021. Whereas the candidates promoted on 26/11/22 were promoted as per the Rules of 2022, the seniority of the candidates appointed through departmental examination and based on seniority subject to rejection of unfit has been decided on rotation basis. The petitioners cannot be considered with those Head Constables who were promoted in the year 2020 (on 9/11/2020), for determination of seniority, as their promotion years are different. The seniority has been determined by duly following the procedure as laid down in the Uttarakhand Government Servant Seniority Rules, 2002. The petitioners contention that their seniority should be determined from 17/2/2022 is untenable as Rule 27 of the Rules of 2018 read with the Appendix- 8 point 11 and the point No 17 in the letter dated 22/01/2021 inviting applications for the posts of Head Constables through departmental examination clearly stipulates that the promotion orders were issued only after successfully completing the training.

As Head Constables of 2 years' service were not available for promotion to the vacant posts of the Additional Sub Inspector, the Government approved relaxation in respect of the qualifying service, which has been applied to the Head constables promoted in the year 2021, 2022 , which consists of those promoted through departmental exam as well as on the basis of seniority. The petitioners have challenged the amended rule of filling up the vacancies by 100 percent promotion as well determination of seniority from the date of start of training but the same cannot be adjudicated by the Tribunal. The claim petition is liable to be dismissed.

9. Learned A.P.O. argued that the petitioners were appointed substantively on the posts of Head Constables w.e.f. 6/10/2022 after passing the Basic Training and Practical Training. Their appointment after passing the mandatory training is as per Rule 27

(d) of Rules of 2018 read with point 11 of Appendix -8, Rules of 2021 and the conditions mentioned in the letter dated 22/01/2021 of office of DG Police Uttarakhand, Dehradun for conducting departmental Examination for the post of the Head Constable and inviting applications from the constables. The seniority of the petitioners will count from date of their substantive appointment on the post of Head Constable as per the Uttarakhand Government Servants Seniority Rules ,2002. Rule 27 (d) of the Rules of 2018 and Rule 27(c) of the Rules of 2021 say that the service will count from the date of their PTC training but it does not say that seniority will count from date of such training. The petitioners has rightly been given seniority from 6/10/2022, the date of their substantive appointment on the post of Head Constable and their promotion year has correctly been shown as 2022 by the respondent authorities in the seniority list dated 24/2/2023 which has been prepared as per the Rules of 2022. The Head constables promoted in the year 2021 and 2022 were promoted on the post of newly created posts of Assistant Sub Inspectors(ASI) by the respondent authorities by providing relaxation in the qualifying service of 2 years and following the seniority list dated 24/2/2023 . So the impugned seniority list dated 24/02/2023 (Ann-1) the impugned order dated 24/02/2023 (Ann-1) are as per Rule. The Claim petition is liable to be dismissed.

10. Based on the arguments of the Learned counsel for the parties and documents placed before the Tribunal, the Tribunal finds that there were 394 posts of Head constables lying vacant in the year 2020 in the Police department. The recruitment and promotion of the constables and the Head Constables at that time was governed by The Uttarakhand Police Constable and the Head Constable (Civil Police , Intelligence and the armed Police) Service Rules, 2018. The Respondent No 3 invited applications to fill up 50 percent of the vacancies through departmental examination. The examination was conducted by Uttarakhand Subordinate Service Selection Commission, Dehradun on 22/02/2021. The result was declared on 8/01/22 .The respondent No. 2 *vide* letter dated

2/2/2022 instructed petitioners and the selected candidates to join four months' training from 17/2/2022. The petitioners passed the training on 6/10/2022 and the promotion orders were issued on 6/10/2022. The Petitioners were appointed against the vacancies of the Head Constable for the selection year 2020-21 in the year 2022-23. Rest of the 50% vacancies of the selection year 2020-21 were filled by promotion on seniority basis on 09/11/2020.

11. Government of Uttarakhand *vide* letter dated 9/9/2022 created 1750 posts Additional Sub Inspector (ASI) and started the process of filling up these posts. A tentative seniority list dated 13/10/2022/ 17/10/2022 of the Head Constables promoted since 2006 was circulated to invite objections. Further, a tentative seniority list was again circulated on 03/11/2022. Objections were invited against the tentative seniority list and it was finalized on 11/11/2022.

12. The petitioners underwent training *w.e.f.* 17/02/2022 and as per rule 27 (d) The Uttarakhand Police Constable and the Head Constable (Civil Police, Intelligence and the armed Police) (Amendment) Service Rules, 2018 and Rule 27(c) of amended Rules of 2021 their service will be counted from the beginning of the PTC Training.

13. The Uttarakhand Police Constable and the Head Constable (Civil Police, Intelligence and the armed Police) Service Rules, 2018 were amended in the years 2019, 2021 and 2022, ever since the letter for filling up the posts of Head Constables through departmental examination was issued. The relevant changes in the Rules of 2018 are as under :

1. Rule 27 (d) of the Uttarakhand Police Constable and the Head Constable (Civil Police , Intelligence and the armed Police (Amendment) Service Rules ,2018 deals with the seniority of the of the Head Constables appointed through department examination and mentions that the services will be counted from the date of the PTC Training.

2. The Uttarakhand Police Constable and the Head Constable (Civil Police , Intelligence and the armed Police (Amendment) Service

Rules ,2019 Annexure - 6 , Para 11 has been amended as- After completion of the basic training and the practical training successfully, orders shall be issued for their promotion by the Appointing Authority to the post of Head Constable Civil Police and Intelligence.

3. The Uttarakhand Police Constable and the Head Constable (Civil Police, Intelligence and the armed Police (2nd Amendment) Service Rules, 2021 were notified on 23/11/2021 with the following relevant amendments:

Rule 5(2) was amended as follows:

Head Constable – 100 percent vacancies of the Head Constable Civil Police / Intelligence and the Armed Police shall be made by promotion from among the constables of Civil Police/ Intelligence and Armed police who have completed the service of 5 years on the first date of selection year on the basis of seniority cadre wise by rejecting the unfit.

Rule 27 was amended as below:

27(a) the seniority of the persons appointed substantively shall be determined on the basis of the Uttarakhand Government Servants Seniority Rules 2002 as amended from time to time. At the time of promotion process etc. a cadre wise seniority list shall be prepared for the employees of the Civil Police, Intelligence and Armed Police.

(b) According to the rule 6 of the Uttarakhand Government servants Seniority Rules, 2002, seniority of the Head Constables shall remain as it is according to the seniority of the substantive post.

(c) Service of the candidates selected for the post of Head Constable shall be calculated from starting of PTC Training Period.

[Emphasis Supplied]

14. The Uttarakhand Police Constable and the Head Constable (Civil Police, Intelligence and the armed Police (Amendment) Service Rules, 2022 were notified on 20/10/2022 with the following relevant amendment:

Amendment of Rule 27 – In principal rule after Rule 27 a new clause (d) and (c) shall be inserted as follows:

(d) The cadre wise seniority of the Head Constables appointed by the departmental selection examination in the same selection year and the Head Constable (Civil/ Intelligence / Armed police) promoted on the basis of seniority as far as possible the quota for the both the sources shall be determined by the rotation (first place shall be given to the person promoted by seniority)

(e)-----

15. The letter dated 2/2/2021 of Director General Police , Uttarakhand while inviting applications for the post of Head Constable also mentioned in point no 17 under the heading 'Promotion order' that the promotion orders will be issued by the appointing authority after completion of the basic and practical training. The letter in this respect is in consonance with Appendix -6, Point no 11 under Rule 24(B) of **The Uttarakhand Police Constable and the Head Constable (Civil Police, Intelligence and the armed Police (Amendment) Service Rules, 2018.**

16. In the seniority list dated 11/11/2022, about 328 candidates were promoted to the post of Additional sub inspector and remaining candidates could not be promoted as they did not have qualifying service of 2 years required for promotion of ASI. To fill up these vacancies, the Govt. granted relaxation of the qualifying service. In the meantime, respondent no 4 to 114 were promoted to the posts of Head constable *vide* promotion order dated 26/11/2022. These Head constables are not there in the last seniority list finalized on 11/11/2022. This disturbed the seniority of petitioners as they were placed correctly with respect to the Head constables promoted on 9/11/2020 in the seniority list issued on 11/11/2022.

17. The Government granted relaxation for filling up the post of the ASI on 04/01/2023. By this relaxation, the Head Constables promoted on 26/11/2022 were also promoted *vide* order dated 25/02/2023 to the posts of ASI, although the department *vide* letter dated 10/01/2023 stipulated to include the candidates

promoted on the basis of the Departmental examination, 2022, before that.

18. Before carrying out promotion for the posts of ASI, a tentative seniority list of Head Constables dated 28/01/2023 was circulated in which the petitioners and the private respondents are placed rotation wise. The final seniority list was issued on 24/02/2023. The promotion orders for the post of ASI were issued on 25/2/2023 based on the aforesaid seniority list .

19. Now the contention of the petitioners is with respect to selection year in the seniority list which they claim should be 2021 in place of 2022 and their date of appointment to the post of the Head Constable should be 16/2/2021 in place of 6/10/2021.

20. Point 11 in Appendix- 6 and Point 6 in Appendix -8 under Rule 24 (b) under the Rules of 2018 also deals with the Promotion order and it says that the promotion order in respect of the candidates passing the basic training and practical Training will be issued by appointing authority/ at the level of the Head Quarter. The same thing has been mentioned in the letter dated 22/1/2021 relating to inviting applications for the posts of Head Constable and conducting departmental examination at point no 17.

21. So, for appointment to the posts of Head Constable, passing of Basic Training and the Filed Training was compulsory. The promotion orders of the petitioners were issued on 6/10/2022, which will be their date of substantive appointment and their seniority will count from 6/10/2022 as per the provisions of Uttarakhand Government Servant Seniority Rules , 2002. After final selection of the petitioners along with other candidates, the selected candidates underwent basic training and practical training and were promoted on 6/10/2022. The promotion year in their case, as mentioned in seniority list, will be 2022.

22. So, the information regarding their date of appointment and selection year is correct, as has been mentioned in the seniority list dated 24/02/2023.

23. Rule 5 was amended by the Amended Rules of 2021. There is a provision of promotion from the post of constable to Head Constable- 100 percent on the basis of seniority subject to rejection of unfit. Rule 27 (c) regarding the seniority of the candidates is the same as in the Rules of 2018.

24. The petitioners challenged the final seniority list issued on 11/11/2022 in which the year of promotion and the date of taking over the charge of the Head Constables are 2022 and 6/10/2022. This information is the same as in the impugned seniority list dated 24/2/2023, except that their seniority has been determined with promotes of the year 2022 on rotation basis.

25. The Govt. notified Uttarakhand Police Uttarakhand Police Constable and the Head Constable (Civil Police, Intelligence and the armed Police) (Amendment) Service Rules, 2022 on 20/10/2022. Rule 27(d) of the above Rules says that the seniority among Head constables appointed through departmental exam and promotion based on seniority will be determined on rotation basis. The petitioners contend that these rules are applicable from 20.10.2022 as the petitioners were appointed on 06.10.2022. So these Rules are not applicable to them. In such a situation, the Uttarakhand Government Servant Seniority Rules, 2002 are there which has the provision for determination of seniority of candidates appointed from different sources. The seniority of the petitioners' *vis-a-vis* private respondents determined on rotation basis is correct.

26. The department has subsequently promoted constables to the post of head constables on the basis of seniority subject to rejection of unfit on 26.11.2022 and combined seniority list of Head constables was issued by the department on 24.02.2023, in which the seniority of the head constables appointed through departmental exam and through 'seniority subject to rejection of unfit' has been decided on rotation basis. It may also be noted here that petitioners were taking the salary of constable during training

period. They were not given the salary of Head Constable during such period.

27. The adjudication of the Rule 27(d) of the Rules of 2018 and Rule 27(c) of the Rules of 2021 to count the seniority from the date of the training is beyond the jurisdiction of the Tribunal, although the ambiguity in Rule 27 in respect of determination of seniority and Rule 24 in respect of issuance of the promotion order has been taken care of in the Rules of 2024. The respondent department has correctly placed the seniority of the petitioners as per the rules applicable to them at the relevant point of time. No interference is called for in the same.

28. The petition, therefore, fails and is dismissed.

29. Before parting with, it is clarified that the Tribunal has no locus to look into the *vires* of Statutory Rules, as has been observed by the Hon'ble High Court in WPSB No. 39/2020, Shyam Lal vs. State of Uttarakhand and others.

30. The Tribunal has decided the petition on the basis of the Rules, as amended from time to time. Rule making power vests with the State Govt. The Tribunal has decided the matter on the basis of 'the Rules as they are' and not on the basis of 'the Rules, that could be' or 'ought to be'.

31. This will, however, not preclude the petitioners from making any legal representation to the State Govt. for counting their seniority from the date when they were sent for training.

(A.S. RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 09th July, 2025
DEHRADUN
RS