

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
BENCH AT NAINITAL**

Present: Hon'ble Mr. Rajendra Singh  
.....Vice Chairman (J)

Hon'ble Mr. A.S.Rawat  
.....Vice Chairman(A)

**CLAIM PETITION NO. 68/NB/DB/2021**

Sri Ram (male) aged about 58 years S/o Late Sri Gangadeen presently working as In-Charge Principal, in Govt. Inter College, Darau, Udham Singh Nagar.

.....**Petitioner**

Vs.

1. State of Uttarakhand through Secretary, School Education, Govt. of Uttarakhand, Civil Secretariat, Dehradun.
2. Director, School Education, Nanoorkheda, Dehradun
3. Additional Director, Headquarter, School Education, Uttarakhand, Dehradun.
4. Additional Director, School Education, Kumaon Region, Nainital.
5. Chief Education Officer, District Udham Singh Nagar.

.....**Respondents**

Present: Sri S.S.Yadav, Advocate for the petitioner  
Sri Kishore Kumar, A.P.O., for the respondents

**JUDGMENT**

**DATED: AUGUST 05, 2025**

**Hon'ble Sri A.S.Rawat, Vice Chairman (A)**

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

*"1. Issue an order or direction to the respondent no. 3 to rectify the date of regular promotion of the applicant instead of 20.05.2020 as 13.03.2002, So far concerned to the applicant.*

*II. Issue an order or direction to the respondents to provide the next promotional benefit to the applicant of the post of Headmaster or Principal as per eligibility of the applicant.*

*III. Issue an order direction or to the respondents to not disturb peaceful functioning of the applicant as In-Charge Principal at Govt. Inter College, Darau, Udham Singh Nagar.*

*IV. Issue an order or direction which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case may kindly be passed.*

*V. Award the cost of the petition.*

2. Brief facts of the case are that-

2.1. The petitioner was selected by the Subordinate Education Service Commission on 09.08.1994 on the post of LT Grade Teacher. In pursuance of an appointment order dated 07.09.1994, he was posted at Govt. Higher Secondary School, Raguli Pipal, Almora. The petitioner was confirmed vide confirmation order dated 20.04.2010 w.e.f. 31.12.1997.

2.2 The petitioner was transferred to Govt. Inter College at Darau, Udham Singh Nagar and due to superannuation of the then Headmaster, Govt. Inter College, Darau, Udham Singh Nagar on 31.03.2018, he was given the charge of Headmaster.

2.3 The next promotion of the petitioner on the post of Headmaster is due but due to delaying tactics of the department, the regular promotion of the petitioner could not be made till date. The regular promotion proceeding of the petitioner is in motion, the petitioner's age is 58 years and 08 months, now it remains only 01 year and 4 months for his superannuation. It is the apprehension of the petitioner that the petitioner can be reverted back prior to his superannuation. So in the interest of justice and looking his length of service and seniority in the department he deserves to be continued on the same post till the regular promotion is not completed in his favour.

2.4 The petitioner on 18.04.2015 submitted the declaration letter which was verified by the Principal on 18.04.2015 by which it has been declared that the petitioner was never given any adverse in the total period of service and there was no disciplinary action initiated against him.

2.5 On the issuance of office memorandum dated 20.05.2020, the petitioner objected and sought information since which date the petitioner was promoted on the post of Lecturer either since 20.05.2020 or since 13.03.2002. The reality is as per service rules and length of service the applicant has been given regular promotion since 13.03.2002 but the delayed order of regular promotion dated 20.05.2020 is erroneous reason as the petitioner was promoted on regular basis on 13.03.2002 but the prior service rendered by the petitioner prior to 20.05.2020 as a lecturer has been treated as ad-hoc promoted lecturer which is wrong and erroneous because he was regularly promoted on 13.03.2002 on the post of lecturer which is actual date of the regular promotion of the petitioner on the post of Lecturer.

2.6 The petitioner has been confirmed in the services in the year 1997 and instead of giving the regular promotion he was given ad-hoc promotion on the post of Lecturer it reveals from the perusal of regular promotion order dated 20.05.2020. Under which law the respondents have acted in this manner, as regular and confirmed Commissioner Teacher has been promoted as ad-hoc Lecturer or regular Lecturer. On the perusal of service book it is crystal clear that the petitioner was promoted since 13.03.2002 as a regular lecturer but has been denied the promotional avenues which has been rendered about 27 years service till date.

2.7 The petitioner is praying to provide all the service benefits treating the petitioner a regularly promoted lecturer since 13.02.2002.

2.8 The petitioner made a representation dated 25.05.2021 before the Director, School Education, Nanoorkheda, Dehradun requesting him for providing the regular promotion since 2002, but till date no action has been taken by the respondent on the representation of the applicant. The petitioner is at the verge of retirement and there was no complaint against the him. His entire carrier is unblemished. The result of the applicant each year is 100%. The petitioner is fully qualified and is eligible for the promotion on the post of Headmaster/Principal and fulfills all the required conditions.

3. Respondents have opposed the claim petition by filing C.A./W.S. mainly stating therein that-

यह कि कार्यालय मण्डलीय उप शिक्षा निदेशक, कुमायूँ मण्डल नैनीताल के कार्यालयी पत्रांक आज्ञा संख्या/937/पाँच-2 (3)/94-95 दिनांक जुलाई 09-08-1994 के द्वारा याची का चयन सहायक अध्यापक एल०टी० के पद पर रा०उ०मा०वि० रघुलीपीपली अल्मोड़ा में हुआ। शिक्षा निदेशक, उत्तरांचल देहरादून के आदेश सं०/प्रबन्ध-3/363/पदो०/2001-02 दिनांक 28 फरवरी 2002 एवं शिक्षा निदेशक उत्तरांचल, देहरादून की विज्ञप्ति/पदोन्नति/संशोधन आदेश सं०-प्रबन्ध-3/386/पदो० सं०/ 2001-02 दिनांक 13 मार्च 2002 के अनुसार याची को प्रवक्ता समाजशास्त्र के पद पर तदर्थ रूप से अस्थाई पदोन्नति प्रदान कर पदस्थापित किया गया था, जिसके क्रम में याची द्वारा दिनांक 14 मार्च 2002 को रा०३०का० रघुलीपीपल, अल्मोड़ा में कार्यभार ग्रहण किया गया। याची के पदोन्नति आदेश में स्पष्ट रूप से उल्लेखित किया गया है कि-*याची को तदर्थ रूप से अस्थाई पदोन्नति प्रदान की जाती है व इन अध्यापकों की ज्येष्ठता बाद में निर्धारित की जायेगी। इन्हें किसी भी समय बिना सूचना के अथवा बिना कारण बताये उनके मूल पद पर प्रत्यावर्तित किया जा सकता है।* कार्यालय अपर शिक्षा निदेशक कुमायूँ मण्डल, नैनीताल के आदेश सं०/सेवाएँ-3 (2)/अराज०/स्थायीकरण/26/2010-11 दिनांक 20 अप्रैल 2010 द्वारा 31 दिसम्बर 1997 से स०अ०एल०टी० पद पर स्थायी घोषित किया गया।

दुर्गम की सेवा पूर्ण करने के उपरान्त वार्षिक स्थानान्तरण नीति के अन्तर्गत याची का स्थानान्तरण राजकीय इण्टर कालेज, दरऊ जनपद ऊधम सिंह नगर में हुआ। दिनांक 31-03-2018 को तत्कालीन प्रधानाचार्य की सेवानिवृत्ति के कारण याची को राजकीय इण्टर कालेज, दरऊ, जनपद ऊधम सिंह नगर का प्रभार दिया गया, जो नियमित प्रधानाचार्य के कार्यभार ग्रहण करने के उपरान्त स्वतः ही समाप्त हो गया। कार्यालय निदेशक माध्यमिक शिक्षा उत्तराखण्ड ननूरखेड़ा तपोवन, देहरादून आदेश सं०-सेवा-2/अराज /69/2020-21 दिनांक 20 मई 2020 द्वारा याची की प्रवक्ता समाजशास्त्र (सामान्य शाखा) के पद पर मौलिक नियुक्ति प्रदान की गयी। इससे स्पष्ट है कि याची द्वारा 14 मार्च 2002 को प्रवक्ता समाजशास्त्र के पद पर तदर्थ रूप से अस्थाई पदोन्नति पर कार्यभार ग्रहण किया गया था और कार्यालय निदेशक, माध्यमिक शिक्षा, उत्तराखण्ड, ननूरखेड़ा, तपोवन से हटाया जा सकता है। दिनांक 31 मार्च 2023 को संत्रान्त लाभ के उपरान्त याची इसी विद्यालय से सेवानिवृत्त हो गये हैं। अतः माननीय लोक सेवा अधिकरण खण्ड पीठ से अनुरोध है कि उक्त याचिका के तथ्यों को मध्य नजर रखते हुये वाद को खारिज करने की कृपा करें।

4. No R.A. has been filed on behalf of the petitioner.
5. We have heard the Learned Counsel for the petitioner and the Learned A.P.O. and perused the record.
6. The petitioner was appointed on the post of Asstt Teacher Biology and was posted in Government Inter College Raghuli Pipal Almora on 9/8/1994. The petitioner was promoted to the post of Lecturer Sociology on 20/05/2020. The petitioner was confirmed on 31/12/1997 vide order dated 20/04/2020 of Additional Director Education, Kumaon Division, Nainital. He was given charge of the Principal, Government Inter College, Darau on retirement of the regular Principal. He was asked to submit a declaration in the year 2015 that he has never been given adverse entry during this service, which he submitted on 18/4/2015, He was working as a lecturer at that time. There is an entry in the service book that he has been

promoted as a Lecturer of Sociology vide order dated 13/03/2002 of Director Education Uttarakhand Dehradun. He joined the post on 14/03/2002. His pay was accordingly fixed in the lecturer grade. The petitioner submitted a representation on 25/5/2020 that he was promoted on post of the lecturer on regular basis in 2002, the department considered that promotion as ad hoc promotion and again promoted him to the post of Lecturer on 20/5/2020. The order dated 20/5/2020 has not been amended despite the assurance from the senior officers. This has affected the seniority of the petitioner for the promotion. He may be promoted to the post of the Principal or may be allowed to remain an officiating Principal.

7. Learned A.P.O. argued that the petitioner was temporarily promoted on ad hoc basis on the post of the Lecturer Sociology vide order dated 13/03/2002 of Director Education, Uttarakhand, Dehradun and posted in the Government Inter College Raghuli, Pipal, Almora. It was mentioned in the order that the seniority of the teachers will be decided later on, they will be reverted any time without prior information or without giving any reason. The petitioner was transferred to Government Inter College Darau Distt Udham Singh Nagar and was given officiating charge of the Principal, Government Inter College Darau Distt Udham Singh Nagar on the retirement of the regular Principal on 31/03/2018. The petitioner was given regular promotion on the post of the lecturer on 20/5/2020 and petitioner has retired on 31/03/2020. It is clear that the petitioner remained on the post of lecturer on adhoc basis from 14/03/2002 to 20/5/2020. The petitioner did not contradict the order dated 13/03/2002 of his ad hoc promotion on the post of the lecturer in 2002 but mentioned the entry in the service book in which the word ad hoc has been left out. Based on the record available with the respondents the Claim petition is liable to be dismissed.

8. Based on the arguments of the Learned Counsel for the parties and the documents placed before the Tribunal, we find that the petitioner was appointed as an Asstt. Teacher LT Grade in the year

1994. He was confirmed in the year 1997. The petitioner was promoted as a lecturer of sociology on ad hoc basis on 13/03/2002 and his salary was fixed accordingly. The entry in the service book regarding promotion on ad hoc basis does not match with the order of the Director Education dated 13/03/2002 as word ad hoc promotion is not mentioned in the service book. Although the petitioner might have received the copy of the order which he did not submit at the time of filing claim petition, but he did not deny the fact when brought out by the respondents in the written submission. Learned counsel for the petitioner argued that the entry in the service book is authentic to which we do not agree. The petitioner was given additional charge of the Principal Government Inter College Darau, Distt Udham Singh Nagar on the retirement of the regular incumbent on 31/03/2018. The petitioner held the additional charge till the regular Principal Joined.

9. The petitioner claims that he has been promoted twice on the same post which is incorrect. The order of the Director Education dated 13/03/2002 regarding his promotion is very clear. He was promoted on the post of the lecturer ad hoc basis till his regular promotion on 20/5/2002. He held the charge of the Principal Inter college in the officiating capacity. He cannot claim to be promoted on the post of Principal based on the seniority of ad hoc promotion. The Tribunal does not find it appropriate to intervene in this issue. The claim petition is liable to be dismissed.

### ORDER

The claim petition is dismissed. No order as to costs.

RAJENDRA SINGH  
VICE CHAIRMAN(J)

A.S.RAWAT  
VICE CHAIRMAN (A)

*DATED: AUGUST 05, 2025*  
*DEHRADUN*  
*KNP*