

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

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

----- Chairman

Hon'ble Capt. Alok Shekhar Tiwari

-----Member (A)

**CLAIM PETITION NO. 87/DB/2025**

1. Mukesh Sharma S/o Sri Atal Sharma, presently posted as Sub-Inspector at PTC, Narendra Nagar, Tehri.
2. Manoj Kumar S/o Sri Gajpal Arya presently posted as Sub-Inspector at 31 BN PAC, District- Udham Singh Nagar.
3. Sachin Rawat S/o Sri Suresh Singh presently posted as Sub-Inspector at SDRF, Dehradun, District-Dehradun.
4. Bhaskar Dutt Upadhyay, S/o Sri Ram Chandra Upadhyay. presently posted as Sub-Inspector IRB-II, District Dehradun.
5. Dinesh Rawat S/o Sri Daulat Singh, presently posted as Sub-Inspector at Police Line, Udham Singh Nagar, District- Udham Singh Nagar.
6. Manish Bhakuni, S/o Sri Jayant Singh Bhakuni, presently posted as Sub-Inspector at SDRF, Jolly Grant Dehradun.

**....Petitioners**

**vs.**

1. State of Uttarakhand through Principal Secretary (Home), Secretariat, 4 Subhash Road, Dehradun.
2. Director General of Police- Uttarakhand, Police Headquarters, 12 Subhash Road, Dehradun.
3. Inspector General of Police (Personnel)- Uttarakhand, Police Headquarters, 12 Subhash Road, Dehradun.

**....Respondents**

Present: Sri Hardik Rawat, Advocate, for the petitioners.  
Sri V.P.Devrani, A.P.O., for the State Respondents.

## **JUDGMENT**

**DATED: JULY 08, 2025**

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

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

I. Declare that the Claimants are entitled to be promoted to the next promotional post (Sub-Inspector) with effect from the year 2011-2012, in terms of their eligibility under the Government Order dated 13.08.2008 and based on their sports achievements in the year 2010;

II. Direct the Respondents to grant notional promotion to the Claimants to the post of Sub-Inspector with effect from the date their juniors were promoted, along with all consequential benefits including seniority, fixation of pay, and eligibility for further promotion;

III. Direct the Respondents to amend the seniority list by including the names of the Claimants at the appropriate place in accordance with their notional date of promotion and seniority vis-à-vis their juniors;

IV. Pass such other and further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice and equity."

2. Claim petition is supported by the affidavit of Sri Mukesh Sharma, petitioner No.1. Relevant documents have been filed along with the same.

3. To understand the facts and background of the case, it will be useful to reproduce the judgment dated 26.09.2013 passed by the Hon'ble High Court in WPSS No. 1404/2013 (Annexure: A-7), herein below for convenience:

"On 16.04.2013, this Court disposed of the Writ Petition no.404 of 2013 (S/S) filed by the petitioners by directing the Director General of Police, Uttarakhand to treat copy of the writ petition as representation and dispose of the same upon hearing the petitioners or any other person who might be affected and to pass speaking order within eight weeks from the date of communication of the order. The said order was communicated to the respondents. In compliance of the said order, the respondent no.2 passed an order on 10.07.2013, in which the respondent no.2 has stated that there is a Government Order dated 13.08.2008 for giving out of turn

promotion to the skilled players. In the said order, it is stated that the Police Headquarter has given some proposal for amendment in January and June, 2011, which is still pending consideration. It is also written that in view of the fact that the proposed amendment suggested by the Police Headquarters is pending consideration, the action for out of turn promotion to the skilled players shall be taken only after receiving the instructions from the State Government.

This Court is of the view that the above approach of the Director General of Police, Uttarakhand is incorrect. Once direction was issued to him to take decision in the matter in accordance with law, he was required to take decision in accordance with the existing government order. The proposal sent by the department is nothing to do and it is for the State Government to issue another Government Order and unless some decision is taken by the State Government modifying the earlier Government Order, the subordinate authorities including the Director General of Police, Uttarakhand is bound to work in accordance with existing Government Order. In fact, the order dated 10.07.2013 passed by the Director General of Police, Uttarakhand is not compliance of this Court's order dated 16.04.2013 passed in Writ Petition no.404 of 2013 (S/S).

Considering the above facts, this Court directs the Director General of Police, Uttarakhand to take decision in the matter of the petitioners, in accordance with existing Government Order, within a period of six weeks from the date of production of a certified copy of the order. The Director General of Police, Uttarakhand shall ignore his earlier order dated 10.07.2013. In case some modification is done, it shall be open for the Director General of Police, Uttarakhand to act in accordance with new Government Order.

This disposes of the writ petition finally.

Stay application also stands disposed of.

No order as to costs."

#### 4. Aggrieved against the same, *Intra Court Appeal* was preferred.

In SPA No. 323/ 2014, the Hon'ble Court on 10.09.2018 observed thus:

"The State has come in Appeal against the judgment and order dated 26th September, 2013.

Key facts necessary for adjudication of this Appeal are that the respondents are sportspersons. They based their case for out of turn promotion on order dated 13th August, 2008. The case of the respondents was not considered only on the ground that amendment was in offing. The Government Order dated 13th August, 2008 was substituted.

The learned Single Judge has ordered that the case of the respondents may be re-considered in accordance with the existing Government Order within a period of six weeks, by ignoring the order dated 10.07.2013.

Even if the Rules were framed / altered, the same would apply prospectively and not affect the case of the respondents. The respondents should have also placed on record 2016 Rules giving out of turn promotion to the sportspersons.

The Appeal is, accordingly, dismissed.

The stay order is vacated.

Appellants are directed to consider the case of the respondents as per the Government Order dated 13th August, 2008 within a period of ten weeks from today.”

5. State of Uttarakhand and others filed SLP. The Hon’ble Supreme Court dismissed the SLP *vide* order dated 05.07.2019. It is the submission of Ld. Counsel for the petitioners that petitioners were given promotion under the old Government Order of 2008 on 15.07.2019. Ld. Counsel for the petitioners submitted that petitioners ought to have been given promotion since 2012-13 under the old G.O. itself.

6. In a nutshell, the prayer of the petitioners is that they should be given promotion *w.e.f.* 2012-13, instead of 2019.

7. Ld. Counsel for the petitioners submitted that petitioners will make representation to Respondents No. 1 & 2, who may kindly be directed to decide the representation of the petitioners, in a time bound manner, as per law. Ld. A.P.O. has no objection to such innocuous prayer of the petitioners.

8. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by directing Respondents No.1 and 2 to decide petitioners’ representation, in accordance with law, as expeditiously as possible and without unreasonable delay, on presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

9. Rival Contentions are left open.

**(CAPT. ALOK SHEKHAR TIWARI)**  
MEMBER (A)  
(*virtual*)

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

*DATE: JULY 08, 2025.*  
*DEHRADUN*

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