BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL AT DEHRADUN

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

------ Chairman

Hon'ble Mr. Arun Singh Rawat

-------Vice Chairman (A)

CLAIM PETITION NO.111/DB/2025

Satish Chandra Upreti, s/o Sri G.B. Upreti, age 42 years, Review Officer, Uttarakhand Subordinate Service Selection Commission, Rajpur Road-Thano Road, Rajpur, Dehradun, Uttarakhand.

…….Petitioner

vs.

1. The Government of Uttarakhand through Secretary (Personnel), Secretariat, Subhash Road, Dehradun.
2. The Secretary, Uttarakhand Subordinate Service Selection Commission, Rajpur Road-Thano Road, Rajpur, Dehradun, Uttarakhand..
3. Smt. Deepa Joshi,Review Officer (G/List No.4) Uttarakhand Subordinate Service Selection Commission, Rajpur Road-Thano Road, Rajpur, Dehradun, Uttarakhand.

.....…….Respondents

Present: Sri Uttam Singh, Advocate, for the Petitioner.

Sri V.P. Devrani, A.P.O. for the State Respondents.

Dr. N.K.Pant, Advocate, for Uttarakhand Subordinate Service Selection Commission (online).

JUDGMENT

DATED: AUGUST 20, 2025.

Justice U.C. Dhyani (Oral)

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

> *"(i)To call the records, for quashing the impugned seniority list dated 18-7-2025 from G/List No. 01 to 5 (Annexure No A-1)*
> *(ii) To issue a direction to the respondents to prepare seniority list in accordance with the relevant rules.*
> *(iii)Any other order the Tribunal may consider deem fit and proper in the matter.*
> *(iv)Award cost to the petitioner."*

2. Claim petition is supported by the affidavit of petitioner. Relevant documents have been filed along with the petition.

3. Petitioner has assailed final seniority list of the Review Officers working in the Uttarakhand Subordinate Service Selection Commission (for short, Commission), in which the petitioner has been shown below Respondent No. 3. Whereas Respondent No.3 has been shown at Sl. No. 4 in the impugned list, petitioner has been shown at Sl. No. 5 in the said list.

3.1 It is the submission of Sri Uttam Singh, Ld. Counsel for the petitioner that Respondent No.3 was Lecturer in Education Department. Her services were merged in the Commission on 07.04.2022. Petitioner was earlier posted as Assistant Review Officer in the Commission and he was promoted to the post of Review Officer on 04.02.2022. Hence, petitioner is senior to Respondent No.3.

3.2 In response to the query of the Tribunal, Ld. Counsel for the petitioner submitted that interim seniority list of the Review Officers of the Commission was circulated on 18.09.2024 (Copy: Annexure: A-3). The petitioner filed objections against the same on 03.10.2024 (Copy: Annexure: A-4), but, according to Ld. Counsel for

the petitioner, the said objections have not been considered by the Commission while finalizing the seniority list.

3.3 Ld. Counsel for the petitioner drew attention of the Bench towards Rule 6(1) of the Uttarakhand Subordinate Service Selection Commission (Review Officer and Personal Assistant) Absorption Rules, 2021, to submit that the substantive date of appointment of Respondent No.3 shall be considered when her services were merged in the respondent department. According to him, petitioner is, by any reckoning, senior to Respondent No.3.

4. It appears that *inter se* seniority dispute of the petitioner *qua* Respondent No.3 has not been brought to the notice of the Chairman of the Commission.

5. The Tribunal is of the view that the grievance of the petitioner should be brought to the notice of the Chairman of the Commission. The Tribunal leaves it to the wisdom of the Chairman of the Commission to decide *inter se* seniority of petitioner *qua* Respondent No.3, by a reasoned and speaking order, in accordance with law.

6. Since the Tribunal is not commenting upon the merits of the impugned seniority list, therefore, no useful purpose would be served by sending notice to Respondent No.3.

7. The claim petition is disposed of at the admission stage, without sending notice to Respondent No.3, with the consent of Ld. Counsel for the parties, by making a request to the Chairman, Uttarakhand Subordinate Service Selection Commission, to look into the matter, consider the grievance of the petitioner and pass a reasoned and speaking order on the objections of the petitioner on the seniority list of the Review Officers (Annexure: A-4), after hearing the petitioner and Respondent No.3, as expeditiously as possible and without unreasonable delay.

8. Needless to say that when such a decision is taken by the Chairman of the Commission, petitioner and Respondent No.3 shall be informed accordingly.

9. Rival contentions are left open.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 20, 2025
DEHRADUN

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