

**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.116/DB/2024

1. Sri Amit Singh Rawat, aged about 32 years, s/o Sri Balam Singh , presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil) Arakot-Tiuni HEP, Dakpathar, District Dehradun, r/o Village Sainji, P.O. Kempti, Dhanolti, District Tehri Garhwal.
2. Ajay Pratap Singh (male) aged about 34 Years S/o Shri Rajender Singh Chauhan Presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil-I), Tiuni Plasu HEP, Dakpathar, Dist-Dehradun-248125 R/o Ward No.2 Dakpathar Road, Near Verma Electrical, Vikasnagar, Dehradun Pin-248198.
3. Suraj (male) aged about 31 Years S/o Shri Dharam Singh Presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil-1), Tiuni Plasu HEP, Dakpathar, Distt- Dehradun-248125 R/o V.P.O- Khodri Majri, Tehsil- Paonta sahib, Distt-Sirmour(H.P) Pin-173025.
4. Anesh Tomar (male) aged about 36 Years S/o Shri Chandan Singh Presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil) Katapathar Barrage, Dakpathar, Distt Dehradun 248125 R/o V. P. O- Katapathar, Thesil- Vikasnagar Distt-Dehradun Pin-248125.
5. Ankit Chauhan (male) aged about 33 Years S/o Late Shri Guman Singh Chauhan Presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil) Bhilangna Project, Ghansali, Tehri Garhwal-249155 R/o Vill-Lohari P.O- Lohari Teh-Kalsi Pin-248158.
6. Piyush Tomar (male) aged about 31 Years S/o Shri Bharat Singh Tomar Presently posted as Junior Engineer (Civil) in the office of Executive Engineer PCM (GV), Mayapur, Haridwar R/o House No. 264 Kalsi Road Dakpathar, Vikasnagar, Dehradun Pin-248125.
7. Manoj Singh Tomar (male) aged about 32 Years S/o Shri Dharam Singh Presently posted as Junior Engineer (Civil) in the office of Executive Engineer Hydrel Colony, Kalagarh, Pauri Garhwal, Uttarakhand-246142 R/o Village-Dindal, P.O. Lohari, The Kalsi, district-Dehradun Pin code-248158.
8. Arvind Singh Tomar (male) aged about 30 Years S/o Shri Roop Singh Tomar Presently posted as Junior Engineer (Civil) in the office of Executive Engineer Hydrel Colony, Kalagarh, Pauri Garhwal, Uttarakhand-246142 R/o Vill-Dindal P.O-Lohari The-Kalsi Dehradun Pin-248158.

9. Naveen Chauhan (male) aged about 30 Years S/o Late Shri Khajan Singh Chauhan Presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil- Maintenance) MB-II Joshiyara Uttarkashi R/o Vill. & P.O. Lohari The-Kalsi District-Dehradun Pin-248198.
10. Nitesh Chauhan (male) aged about 32 Years S/o Shri Sunder Singh Presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil), MB-II, Chinyalisaur, Uttarkashi R/o BP-12, Shaktipuram Colony, Chinyalisaur, District Uttarkashi, Pin-249196.
11. Vijender Kumar (male) aged about 34 Years S/o Shri Manjeet Singh Presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil- Maintenance) Vyasi Project, Dakpathar District Dehradun R/o V.P.O-Khodri Majri, Tehsil-Paonta Sahib, Distt-Sirmour(H.P) Pin-173025.
12. Surajpal Singh (male) aged about 38 Years S/o Shri Mahipal Singh Presently posted as Junior Engineer (Civil) in the office of Executive Engineer MB-I Uttarkashi R/o Village-Belgaon Tehri Garhwal Pin Code-249180.
13. Rinkal Tomar (male) aged about 34 Years S/o Shri Surveer Singh Tomar Presently posted as Junior Engineer (Civil) in the office of Executive Engineer PCM Dhalipur, Dehradun-248142 R/o Vill-Khadi P.O-Laksiyar Teh-Kalsi, District Dehradun.
14. Vikram Singh (male) aged about 34 Years S/o Shri Jawahar Singh Presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil- Maintenance) Yamuna Colony Dehradun-248001 R/o V.P.O- Khodri Majri, Tehsil- Paonta sahib, Distt-Sirmour (H.P) 173025.
15. Gaurav Kumar (male) aged about 34 Years S/o Shri Jagdeesh Prasad Presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil-Maintenance) Ganga Valley Mayapur Haridwar R/o Vill.-Kharson P.O-Singuni Sera, Tehsil-Nainbagh District - Tehri Garhwal Pin-249186.
16. Sachin Tomar (male) aged about 33 Years S/o Shri Dinesh Singh Tomar Presently posted as Junior Engineer (Civil) in the office of Executive Engineer (Civil-I) Srikot, Srinagar, Garhwal-246174 R/o Vill-Lohari P.O-Lohari The-Kalsi Dehradun Pin-248158.

.....**Petitioners**

vs.

1. State of Uttarakhand through Secretary, Finance, Civil Secretariat, Dehradun.
2. UJVN Limited, Ujjwal, Maharani Bagh, GMS Road, Dehradun, through its Managing Director.
3. Deepak Negi Presently posted as Junior Engineer (Civil) C/o Managing Director, UJVN Limited, Ujjwal, Maharani Bagh, G.M.S. Road, Dehradun.
4. Priyanka Negi Presently posted as Junior Engineer (Civil) C/o Managing Director, UJVN Limited, Ujjwal, Maharani Bagh, G.M.S. Road, Dehradun.
5. Vijay Kumar Presently posted as Junior Engineer (Civil) C/o Managing Director, UJVN Limited, Ujjwal, Maharani Bagh, G.M.S. Road, Dehradun.

6. Neha Presently posted as Junior Engineer (Civil) C/o Managing Director, UJVN Limited, Ujjwal, Maharani Bagh, G.M.S. Road, Dehradun.
7. Suman Lata Presently posted as Junior Engineer (Civil) C/o Managing Director, UJVN Limited, Ujjwal, Maharani Bagh, G.M.S. Road, Dehradun.
8. Nirmala Bhayeda Presently posted as Junior Engineer (Civil) C/o Managing Director, UJVN Limited, Ujjwal, Maharani Bagh, G.M.S. Road, Dehradun.
9. Pratibha Yadav Presently posted as Junior Engineer (Civil) C/o Managing Director, UJVN Limited, Ujjwal, Maharani Bagh, GMS Road, Dehradun.
10. Bhawna Singh Presently posted as Junior Engineer (Civil) C/o Managing Director, UJVN Limited, Ujjwal, Maharani Bagh, G.M.S. Road, Dehradun.
11. Akriti Didoyal Presently posted as Junior Engineer (Civil) C/o Managing Director, UJVN Limited, Ujjwal, Maharani Bagh, G.M.S. Road, Dehradun.
12. Amrita Dhaniya Presently posted as Junior Engineer (Civil) C/o Managing Director, UJVN Limited, Ujjwal, Maharani Bagh, G.M.S. Road, Dehradun.

.....Respondents

Present: Sri I.P.Gairola & Sri S.K.Jain, Advocates, for the
 Petitioners.
 Sri V.P. Devrani, A.P.O. for the Respondent No.1.(online)
 Dr. N.K.Pant, Advocate, for Respondent No.2.
No representation for private respondents despite service of notices.

JUDGMENT

DATED: NOVEMBER 14, 2025.

Justice U.C. Dhyani (Oral)

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

"I. To issue an order or direction to set aside the impugned final seniority list dated 18.08:2023 passed by the respondent no. 2 (Annexure No. A-1 to the claim petition).

II. To issue an order or direction to the respondent no. 2 to place the claim petitioners in the same position as it was in the Tentative

Seniority List of Junior Engineer (Civil) issued vide Office Memorandum dated 30.07.2022 issued by the respondent no. 2 (Annexure No. A-5 to the claim petition).

III. To give any other relief that this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

IV. Award the cost of the petition.”

2. Claim petition is supported by the affidavit of Sri Amit Singh Rawat, Petitioner No.1. Relevant documents have been filed along with the petition.

3. Claim petition has been contested on behalf of respondents. C.A. has been filed by Sri Manish Kumar Ingle, Dy. General Manager (Personnel), UJVNL, Ujjwal Maharani Bagh, GMS Road, Dehradun, on behalf of Respondent No. 2. Relevant documents have been filed in support of Counter Affidavit. Ld. A.P.O. adopted the same Counter Affidavit for Respondent No.1, which has been filed on behalf of Respondent No. 2. There is no representation for private respondents.

4. Rejoinder Affidavit has been filed on behalf of petitioners.

5. UJVNL, Respondent No.2 was assigned the task to serve notices upon private respondents, which Respondent No.2 has done. Affidavit of service has been filed by Respondent No.2 along with the report of Sri Ashish Kumar Jain, Executive Director (HR), showing that private respondents have been served with notices. Copies of the individual notices have been filed along with the report.

6. Office Memorandum dated 18.08.2023 (Annexure-1) is impugned in present claim petition. This is final *inter se* seniority of Junior Engineers (Civil). The names of the petitioners have been shown from Sl. No. 52 to 77 in the said final seniority list. Before that a tentative seniority list was issued by the Respondent Corporation on 30.07.2022 (Annexure- 6). The names of the petitioner have been shown from Sl. No. 36 to 66 in the said list.

7. Since the petitioners were shown from Sl. No. 36 to 66 in the tentative seniority list, they were probably satisfied with the same,

therefore, there was no question of filing objections against the tentative seniority list by them. They were taken by surprise when the final seniority list dated 18.08.2023 (Annexure-1) came to their notice. Being aggrieved with the same, present claim petition has been filed for redressal of their grievances.

8. Since the effect of impugned final seniority list (Annexure-1) continues even today, therefore, it cannot be said that the claim petition is barred by limitation.

9. Dr. N.K.Pant, Ld. Counsel for Respondent No.2, drew attention of the Tribunal towards C.A. filed on behalf of Respondent No.2, to submit that in the provisional seniority list, the candidates selected through different notifications of the year 2015 and 2016 were erroneously shown together on the basis of merit, therefore, the same required correction. Dr. Pant also submitted that selection was made in the same selection year, apparent mistake was found in the provisional seniority list, therefore, the same was corrected.

10. Dr. Pant further submitted that the final seniority list was prepared under the "Uttar Pradesh State Electricity Council Seniority Regulations, 1998", as applicable to Uttarakhand, according to which "Persons appointed as a result of subsequent selection shall be junior to persons appointed as a result of previous selection."

11. In reply, Ld. Counsel for the petitioners drew attention of the Bench towards the R.A. filed, to submit that letter dated 18.08.2023 has adversely affected the petitioners. The provisional seniority list was issued in favour of the petitioners, therefore, it was incumbent upon the respondents to provide an opportunity of hearing to the petitioners before issuing letter dated 18.08.2023, especially when their names were shown from Sl. No. 36 to 66 in the tentative seniority list and in the final seniority list, their names have been lowered down from Sl. No. 52 to 77.

12. The Tribunal finds sense in such argument of Ld. Counsel for the petitioners. When the petitioners were shown from Sl. No. 36 to 66

in the tentative seniority list dated 30.07.2022 (Annexure-6), their seniority should not have been lowered down while issuing final seniority list on 18.08.2023 (Annexure-1), without notice to them. It has already been pointed out above that had the petitioners been aggrieved with the tentative seniority list, only then they would have filed objections against it. Probably they were satisfied with that, therefore they had no occasion to file objections against the same. Why should the petitioners object to the tentative seniority list when their names were shown above the private respondents in the said tentative seniority list? Their grievance arose only when they found that they have been placed at from Sl. No. 52 to 77 in the final seniority list, that too, without any notice to them. Private respondents have not appeared before the Tribunal to contest the petition.

13. In substance, the impugned seniority list dated 18.08.2023 (Annexure-1) cannot sustain *qua* petitioners only, inasmuch as no notice was given to them before changing their seniority to their detriment.

14. Seniority list dated 18.08.2023 (Annexure-1) is, therefore, set aside only in respect of the petitioners. Respondent Corporation is directed to afford reasonable opportunity of hearing to the petitioners before placing them appropriately in the final seniority list. The same shall be done as expeditiously as possible, without unreasonable delay.

15. The claim petition thus stands disposed of. No order as to costs.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: NOVEMBER 14, 2025
DEHRADUN