

**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. 83/DB/2022

Ganga Singh Lwal, aged about 54 years, s/o Late Sri Dev Singh, presently posted as O.S. EDC (Urban), Kaulagarh, Dehradun.

.....Petitioner

Versus

1. State of Uttarakhand through Secretary, Energy, Civil Secretariat, Dehradun.
2. Managing Director, Uttarakhand Power Corporation Limited, Urja Bhawan, Kanwali road, Dehradun.
3. Sri Pradeep Kumar Kansal, presently posted at the office of the Chief Engineer (Distribution),UPCL, Garhwal Region, Dehradun.

.....Respondents

Present: Sri Ganga Singh Lwal, petitioner, along with
Sri Shashank Pandey, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for State Respondent.
Sri Manish Kumar Singh, Advocate, for UPCL (online)

JUDGMENT

DATED: JANUARY 14.2026.

Justice U.C. Dhyani (Oral)

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

“1. To issue order or direction to call for records and set aside order dated 16.09.2021 by which the respondent no. 3 has been promoted (Annexure A1) as regards the Respondent No. 3.

2. To issue order or direction to the Respondent No. 1 and 2 to consider the petitioner for promotion and grant all consequential benefits from 16.09.2021.

3. Graciously be pleased to pass any such other relief or reliefs as this Hon'ble Tribunal may deem just and proper in the circumstances of this case;

4. Award the cost of the petition to the petitioner against the respondents.”

[Emphasis supplied]

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

3. Claim petition has been contested on behalf of Respondents. C.A. has been filed by Sri D.S.Khati, General Manager HR, Uttarakhand Power Corporation Ltd., Dehradun, on behalf of Respondent No.2.

4. Sri Anil Ranakoti, Advocate, Legal Cell, UPCL, has filed copy of the judgment dated 17.11.2025, passed by Hon'ble High Court of Uttarakhand in WPSS No. 337/2025, Dariyab Singh Negi vs. Managing Director, Uttarakhand Power Corporation Ltd. & others, to submit that the seniority, which was given to the petitioner, has been set aside by the Hon'ble High Court. He further submitted that the seniority of both (petitioner as well as of Sri Pradeep Kumar Kansal, Respondent No.3), has been set aside by the Hon'ble High Court by the decision dated 17.11.2025. Respondent No.3 has now retired.

5. It will be worthwhile to reproduce the decision dated 17.11.2025 passed by Hon'ble High Court herein below for convenience:

“Respondent nos. 5 & 6 were directed to be served personally as well as by Registered Post. As per office report, both the respondents are duly served, however, there is no one to represent them.

2. Petitioner was appointed as Office Assistant, Grade-III on daily wages w.e.f. 17.10.1984 and he was regularized on the post of Office Assistant, Grade-III w.e.f. 1.4.1988. He was promoted to the higher post i.e. Office

Assistant, Grade-II w.e.f. 30.01.2006; he was thereafter promoted as Office Superintendent, Grade-II w.e.f. 7.1.2021; and he was lastly promoted as Office Superintendent, Grade-I w.e.f. 5.4.2023. Petitioner is aggrieved by promotion given to respondent no. 5 to the post of Office Superintendent, Special Grade, vide order dated 10.10.2024.

3. Petitioner contends that respondent no. 5 was appointed on the induction level post of Office Assistant, Grade-III only on 20.6.1989; while, petitioner was appointed on the said post w.e.f. 1.4.1988, therefore, respondent no. 5 is junior to him. He submits that respondent no. 5 belongs to Scheduled Tribe category and he was given accelerated promotion against reserved vacancies and he became Office Superintendent, Grade-I on 27.4.2012, however, after being promoted as Office Superintendent, Grade-I, vide order dated 5.4.2023, petitioner regained seniority, as it was in the feeding cadre by virtue of Rule 6 of U.P. State Electricity Board Servants Seniority Regulations, 1998.

4. Learned counsel for the petitioner submits that after promotion of the petitioner as Office Superintendent, Grade-I, vide order dated 5.4.2023, it was incumbent upon the competent authority to redetermine the inter-se seniority of petitioner vis-à-vis respondent no. 5. He submits that although a tentative seniority list of Office Superintendent, Grade-I was issued on 5.6.2024, however, in that list name of respondent no. 5 was altogether missing; petitioner filed objection and referred to the principle of catching up, incorporated in Regulation 6 of the Seniority Regulations, 1998, however, without taking decision on the objections and without finalising the inter-se seniority of petitioner and respondent no. 5, respondent no. 5 was promoted as Office Superintendent, Special Grade, vide order dated 10.10.2024.

5. Learned counsel for the petitioner submits that respondent no. 5 was promoted with undue haste without determining his inter-se seniority with the petitioner.

6. A counter affidavit has been filed on behalf of respondent nos. 1 to 4. There is nothing to indicate in the counter affidavit that respondent no. 5 was senior to petitioner in the induction level post.

7. Learned counsel appearing for respondent nos. 1 to 4 concedes that petitioner and respondent no. 5, both were initially appointed as Office Assistant, Grade-III and respondent no. 5 was junior to the petitioner in the induction level post.

8. Learned counsel for the petitioner contends that respondent no. 5 was given accelerated promotions against reserved vacancies, as he belongs to Scheduled Tribe community, however, once petitioner is promoted as Office Superintendent, Grade-I on 5.4.2023, he would catch up respondent no. 5, even though he was promoted as Office Superintendent, Grade-I in 2012 and by virtue of Regulation 6, petitioner would regain seniority over respondent no. 5, as he was senior to him on the induction level post of Office Assistant, Grade-III. He submits that Regulation 9(1) of the Seniority Regulations, 1998 provides that a tentative seniority list of all persons serving in a cadre has to be prepared soon after appointments are made to that cadre. He submits that despite mandate of Regulation 9(1), promotion was made without determining

inter se seniority position of petitioner and respondent no. 5 and name of respondent no. 5 was altogether missing from the tentative seniority list issued on 5.6.2024 and even that tentative seniority was not finalised when respondent no. 5 was promoted as Office Superintendent, Special Grade. He further submits that petitioner is going to retire on 31.12.2025 and the undue haste with which respondent no. 5 was promoted without finalising the seniority list, in itself, speaks volumes about the motive of issuing the impugned order.

9. This Court do not approve of holding promotion exercise without waiting for the seniority list to be finalised. Since petitioner was promoted as Office Superintendent, Grade-I, therefore, his inter se seniority with respondent no. 5 has to be determined as per the Seniority Regulations, applicable in Uttarakhand Power Corporation Ltd. In the tentative seniority list, issued on 5.6.2024, petitioner's name figured at serial number 3, however, name of respondent no. 5 was altogether missing. Thus, petitioner had not opportunity to make any comment regarding the seniority position given to respondent no. 5. He nevertheless referred to the catching up principle in his representation dated 26.6.2024, incorporated in the Seniority Regulations, 1998 and asserted that he should be given benefit of the said principle, however, without taking decision on his representation and even without finalising the seniority list, respondent no. 5 was promoted as Office Superintendent, Special Grade.

10. Learned counsel for the petitioner is right in submitting that by application of catching up principle if a senior general category person is promoted later in point of time compared to a reserved category candidate, then upon his promotion, he will catch up the seniority as it was in the feeding cadre, unless the Rules provide for consequential seniority to such reserved category candidate.

11. Learned counsel for the petitioner submits that the Seniority Regulations, 1998 are silent as regards consequential seniority and to the contrary they provide for regaining of seniority.

12. This Court finds substance in the submission made by learned counsel for the petitioner that before embarking upon exercise for promotion to the post of Office Superintendent, Special Grade, it was incumbent upon the competent authority to determine inter se seniority to all persons serving in the feeder post of Office Superintendent, Grade-I. This, however, was not done and respondent no. 5 was promoted without determining their inter se seniority. Even the tentative seniority list issued on 5.6.2024 was also not finalised before promoting respondent no. 5.

13. Right to be considered for promotion is a fundamental right. After his promotion to the feeder post of Office Superintendent, Grade-I on 5.4.2023, petitioner had acquired a right to be considered for promotion as Office Superintendent, Special Grade. This valuable right, however, has wrongly been denied to the petitioner.

14. Learned counsel appearing for Uttarakhand Power Corporation Ltd. referred to Regulation 7 of Seniority Regulations. The said Regulation, however, will not have any application in the present case, as respondent nos. 5 & 6 as well as petitioner, all belong to the circle cadre

and they all started career as Office Assistant, Grade-III and the channel of promotion available to these three persons are also common.

15. The promotion given to respondent no. 5 without finalising the tentative seniority list issued on 5.6.2024 cannot be approved of. It was incumbent upon the competent authority to consider and decide the representation submitted by the petitioner, in which, he had relied upon Regulation 6 of the Seniority Regulations, for claiming seniority over respondent no. 5. Since respondent no. 5 was promoted without finalising the seniority list and without determining *inter se* seniority of petitioner *vis-à-vis* respondent no. 5, therefore, the promotion given to respondent no. 5 is interferable.

16. In such view of the matter, the writ petition is allowed. The impugned order dated 10.10.2024, passed by Executive Director (HR) is quashed and set aside. The competent authority is directed to decide the *inter se* seniority of petitioner *vis-à-vis* respondent nos. 5 & 6 and pass necessary orders, as per law, within six weeks."

[Emphasis supplied]

6. Not only the order dated 10.10.2024, passed by the Executive Director (HR) has also been quashed by the Hon'ble Court, the Competent Authority has been directed to decide the *inter se* seniority of the petitioner *vis-à-vis* respondent Nos. 5 & 6 (Respondent No.5 is Sri Ganga Singh Lwal, present petitioner and Respondent No. 6 is Sri Mahesh Giri) and pass necessary orders, as per law, within six weeks.

7. In the facts and circumstances, as noted above, read with the observations of the Hon'ble Court in decision dated 17.11.2025 (important points have been highlighted), the Tribunal finds that no useful purpose would be served by keeping the present claim petition pending. The same is, accordingly, closed.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 14, 2026
DEHRADUN