

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

Present: Hon'ble Mr. Rajendra Singh

----- **Acting Chairman**

Hon'ble Mr. Arun Singh Rawat

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

CLAIM PETITION NO. 40/DB/2025

1. Naveen Saini (Male), S/o Sri Yashpal Saini, Presently posted as Head Constable (Intelligence), at the Office LIU Dehradun District Dehradun.
2. Birendra Singh Chauhan (Male), Age 44 S/o Sri Bhawan Singh Chauhan, Presently posted as Head Constable (LIU), Superintendent of Police (Regional), Haldwani District Nainital.
3. Rajendra Singh Rajwar (Male), Aged about 36 years, S/o Sri Nandan Singh Rajwar, Presently posted as Head Constable (Intelligence) at Police Station Kaladhungi, District Nainital.
4. Meena Rekhari (Female), Aged about 39 years, D/o Sri Devi Dutt Rekhari, Presently posted as Head Constable (Intelligence) at Office of Superintendent of Police (Regional), Haldwani District Nainital.
5. Preeti Joshi (Female), Aged about 40 years, D/o Sri Bhuwan Chandra Joshi, Presently posted as Head Constable (Intelligence) at the office of Superintendent of Police (Regional), Haldwani District Nainital.
6. Krishna Chandra Pant (Male), S/o Sri Denesh Chandra Pant, Aged about 34 years, Presently posted as Head Constable (Intelligence) at LIU Pithoragarh, District Pithoragarh.
7. Umesh Singh Adhikari (Male), Aged about 32 years, S/o Sri Gopal Singh Adhikari, Presently posted as Head Constable (Intelligence), at Special Branch Pithoragarh, District Pithoragarh.
8. Jagdish Chandra (Male), Aged about 32 years, S/o Sri Pitambar Dutt, Presently posted as Head Constable (Intelligence) at LIU Dharchula, District Pithoragarh.
9. Sanjay Joshi (Male), S/o Sri Bhuwan Chand Joshi, Presently posted as Head Constable (Intelligence) at LIU Champawat District Champawat.
10. Rakesh Singh (Male), S/o Sri Vikram Singh, Presently posted as Head Constable (Intelligence) at LIU Pithoragrah District Pithoragrah.
11. Heera Singh Bhoriyal (Male), Aged about 41 years, S/o Sri Diwan Singh, Rio H.No.-51, Jagdish Nagar, Rallway Road Jwalapur, Near Sector 2 Barrier, Haridwar, Jwalapur, District Haridwar.
12. Narveer Singh (Male), Aged about 35 years, S/o Sri Jalpal Singh, Presently posted as Head Constable LIU Haridwar, District Haridwar.
13. Mohd. Hanif (Male), Aged about 44 years, S/o Hasan Jaan, Presently posted as Head Constable (Intelligence) posted at LIU Haridwar, District Haridwar.
14. Kurban All (Male), Aged about 44 years, S/o All Jaan, Presently posted as Head Constable (Intelligence) at LIU Haridwar, District Haridwar.

15. Vipin Kumar (Male), Aged about 30 years, S/o Sri Bashesar Saini, Presently posted as Head Constable (Intelligence) Special Intelligence Officer, Rishikesh, at Superintendent of Police (Regional), District Dehradun.
16. Mr. Mohd. Israar (Male), Aged about 37 years S/o Mohd. Islam, Presently posted as Head Constable (Intelligence) at Police Headquarter, District Dehradun.
17. Parveen Rawat (Male), Aged about 39 years, S/o Sri Maharaj Singh Rawat, Presently posted as Head Constable (Intelligence), LIU Haridwar District Haridwar.
18. Arvind Singh (Male), Aged about 39 years, S/o Sri Shukhvir Singh, Presently posted as Head Constable (Intelligence), at Office of Assistant Special Investigation Officer (Special Branch) Manglore, District Haridwar.
19. Raghuveer Singh (Male), Aged about 44 years, S/o Sri Saroop Singh, Presently posted as Head Constable (Intelligence) at Office Of Assistant Special Intelligence Officer, Staff Devprayag, (SPR Dun) District Dehradun.
20. Gambhir Singh (Male), Aged about 38 years, S/o Sri Bhuwan Chand Singh, Presently posted as Head Constable (Intelligence) Special Intelligence Officer Staff Gopeshwar, (SPR Dun), District Dehradun.
21. Anuj Kumar (Male), Aged about 37 years, S/o Sri Rampal Singh, Presently posted as Head Constable (Intelligence) at Asio (VK) staff Rishikesh, District Dehradun.
22. Vichitra Vats (Male), Aged about 31 years, S/o Sri Satendra Vats, Presently posted as Head Constable (Intelligence) at LIU Rishikesh District Dehradun.
23. Layak ram Sharma (Male), Aged about 37 years. Sio Sri Rooram, Presently posted as Head Constable (Intelligence) at LIU Haridwar District Haridwar.
24. Manish Rawat (Male), Aged about 36 years, S/o Sri Manendra Singh Rawat, Presently posted as Head Constable (Intelligence) at Assistant Special Intelligence Officer, Unit Jolly Grant Airport, District Dehradun.
25. Mohd. Abdulla Ansari (Male), Aged about 44 years, S/o Late Mhd. Abdul Aziz Ansari, Presently posted as Head Constable (Intelligence) at LIU. Dehradun, District Dehradun.
26. Amit Kumar (Male), Age about 38 yrs S/o Sri Sateshwar Prasad Sati. Presently posted as Head Constable (Intelligence) at Intelligence Headquarter, Uttarakhand Police, District Dehradun.
27. Ankur Kumar (Male), Aged about S/o Sri Pradeep Kumar,... years, Presently posted as Head Constable (Intelligence) at LIU Dehradun, District Dehradun.
28. Manish Joshi (Male), Aged about 37 years, S/o Late Tulsiram Joshi, Presently posted as Head Constable (Intelligence) at Intelligence Headquarters, Uttarakhand Police, Dehradun District Dehradun.
29. Dinesh Singh Khatri (Male), aged about 39 year S/o Sri Shishupal Singh Khatri, Presently posted at Special Intelligence Office, Staff, Dehradun District Dehradun.
30. Rajesh Prasad Bijlwaan (Male), S/o Sri Sushil Bijlwaan, Presently posted at Special Intelligence Officer, Staff, Dehradun District Dehradun.
31. Abhiraj Singh (Male), Aged about 35 years, S/o Sri Bhagat Singh, Presently posted as Head Constable (Intelligence), at a LIU office Didihat District Pithoragarh.

32. Balbir Lal (Male), Aged about 36 years, S/o Late Badamu Lal, Presently posted Head Constable (Intelligence) at Special Branch, Dehradun, District Dehradun.
33. Hemant Kumar (Male), Aged about 38 years, S/o Late Lal Mani Pant, Presently posted as Head Constable (Intelligence) at Special Branch Jauljibi, District Pithoragarh.
34. Ravindra Gosain (Male), Aged about 36 years, S/o Sri Gulbar Singh Gosain, Presently posted as Head Constable (Intelligence), at LIU Office Dehradun, District Dehradun.
35. Mansa Ram (Male), Aged about 42 years, S/o Late Mohan Lal, Presently posted as Head Constable (Intelligence), at LIU Haridwar, District Haridwar.
36. Usman Ali (Male), Aged about 35 years, S/o Sri Shabbeer Hasan, Presently posted as Head Constable (Intelligence) at Office of LIU Tehri Garhwal, District Tehri Garhwal.
37. Jitendra Singh Bighana (Male), Aged about 36 years, S/o Sri Hukum Singh Bighana, Presently posted as Head Constable (Intelligence) at Special Intelligence Office Staff Dehradun, District Dehradun.
38. Deepak Singh (Male), S/o Sri Bhawan Singh, Presently posted as Head Constable (Intelligence) at LIU Udham Singh Nagar, District Udham Singh Nagar.
39. Kamal Singh Mehta (Male), S/o Sri Himmat Singh Mehta, Presently posted as Head Constable (Intelligence) at LIU Nainital District Nainital.
40. Bipin Chandra (Male), Aged about 37 years, S/o Sri Leeladhar, Presently posted as Head Constable (Intelligence) at office of LIU Kapkot District Bageshwar.
41. Pushkar Singh Rawat (Male), Aged about 44 years, S/o Sri Amar Singh Rawat, Presently posted as head constable (intelligence) at LIU Udham Singh Nagar, District Udham Singh Nagar.
42. Kamal Kishore Rawat (Male), Aged about 36 years, S/o Sri Surendra Singh Rawat, Presently posted as Head Constable (Intelligence) at Office of Superintendent of Police (Regional), District Dehradun.
43. Narender Singh (Male), S/o Sri Bikram Singh, Presently posted as Head Constable (Intelligence) LIU at Pauri Garhwal, Uttarakhand.
33. Hemant Kumar (Male), Aged about 38 years, S/o Late Lal Mani Pant, Presently posted as Head Constable (Intelligence) at Special Branch Jauljibi, District Pithoragarh.
34. Ravindra Gosain (Male), Aged about 36 years, S/o Sri Gulbar Singh Gosain, Presently posted as Head Constable (Intelligence), at LIU Office Dehradun, District Dehradun.
35. Mansa Ram (Male), Aged about 42 years, S/o Late Mohan Lal, Presently posted as Head Constable (Intelligence), at LIU Haridwar, District Haridwar.
36. Usman Ali (Male), Aged about 35 years, S/o Sri Shabbeer Hasan, Presently posted as Head Constable (Intelligence) at Office of LIU Tehri Garhwal, District Tehri Garhwal.
37. Jitendra Singh Bighana (Male), Aged about 36 years, S/o Sri Hukum Singh Bighana, Presently posted as Head Constable (Intelligence) at Special Intelligence Office Staff Dehradun, District Dehradun.

38. Deepak Singh (Male), S/o Sri Bhawan Singh, Presently posted as Head Constable (Intelligence) at LIU Udham Singh Nagar, District Udham Singh Nagar.
39. Kamal Singh Mehta (Male), S/o Sri Himmat Singh Mehta, Presently posted as Head Constable (Intelligence) at LIU Nainital District Nainital.
40. Bipin Chandra (Male), Aged about 37 years, S/o Sri Leeladhar, Presently posted as Head Constable (Intelligence) at office of LIU Kapkot District Bageshwar.
41. Pushkar Singh Rawat (Male), Aged about 44 years, S/o Sri Amar Singh Rawat, Presently posted as head constable (intelligence) at LIU Udham Singh Nagar, District Udham Singh Nagar.
42. Kamal Kishore Rawat (Male), Aged about 36 years, S/o Sri Surendra Singh Rawat, Presently posted as Head Constable (Intelligence) at Office of Superintendent of Police (Regional), District Dehradun.
43. Narender Singh (Male), S/o Sri Bikram Singh, Presently posted as Head Constable (Intelligence) LIU at Pauri Garhwal, Uttarakhand.
44. Abhishek Pal (Male). S/o Sri Molu Singh Pal, Presently posted as Head Constable (Intelligence) at LIU Pauri Garhwal, District Pauri Gharwal.
45. Sohan Singh Rawat (Male), S/o Sri Kamal Singh Rawat, Presently posted as Head Constable (Intelligence) at LIU Dehradun District Dehradun.
46. Anil Rawat (Male), S/o Sri Jagmohan Singh Rawat, Presently posted as Head Constable (Intelligence) at LIU Haridwar, District Haridwar.
47. Pushp Raj Singh (Male), Aged about 35 years. S/o Sri BS Bisht. Presently posted as Head Constable (Intelligence) at intelligence & security headquarter Dehradun.
48. Roshni Bhandari (Female), Aged about 39 years, D/o Shri Umrao Singh Bhandari, Presently posted as Head Constable (Intelligence) at LIU pauri, district Pauri Garhwal.
49. Rajendra Singh (Male), Aged about 40 years, S/o Late Veer Singh, Presently posted as Head Constable Harshil (Bhatwari) District Uttarkashi (Intelligence) ASIO at Staff.
50. Manish Semalty (Male), S/o Sri Ram Prashad Semalti, Presently posted as Head Constable (Intelligence) at LIU Pauri Garhwal District Pauri Garhwal.
51. Umrao Singh (Male), S/o Sri Diwan Singh Bhandari, Presently posted as Head Constable (Intelligence) at LIU Dehradun District Dehradun.
52. Anita (Female), D/o Late Ganga Singh, Presently posted as Head Constable (Intelligence) at sio Rudraprayag, attachment Liu RPG District Rudraprayag.
53. Yogita Joshi D/o Sri Ramesh Chandra Tewari, Presently posted as Head Constable (Intelligence) at Office of Superintendent of Police (Regional), Haldwani District Nainital.
54. Sanjeet Singh (Male), S/o Late Mr.Kuwar Singh, Presently posted as Head Constable (Intelligence), at Int HQ Dehradun.
55. Neeraj Kumar Rawat (Male), Aged about 42 years, S/o Late Surendra Singh Rawat, Presently posted as Head Constable (Intelligence) at SIO office Kotdwara District Pauri.
56. Deepa Goswami (Female), Aged about 41 years, D/o Sri Shankar Nath Goswami, Presently posted Head Constable (Intelligence), at office of Superintendent of police (Regional). Haldwani district Nainital.

57. Anoop Nautiyal (Male), S/o Sri Harshmani Nautiyal, Presently posted as Head Constable (Intelligence) at LIU Chamoli District Chamoli,
58. Dinesh Chandra (Male), S/o Sri Bihari Lal, Presently posted as Head Constable (Intelligence) at LIU Sub Unit Kashipur District Udham Singh Nagar.
59. Digamber Singh Rawat (Male), S/o Sri Beerbal Singh, Presently posted as Head Constable (Intelligence) at LIU Dehradun District Dehradun.
60. Anil Singh (Male), S/o Sri Arjun Singh, Presently posted as Head Constable (Intelligence), Assistant Special Intelligence Officer, VK Unit Kotdwar, District Pauri Garhwal.
61. Sunil Kumar Badola (Male), Aged about 38 years, S/o Sri Ramesh Chandra Badola, Presently posted as Head Constable (Intelligence) at LIU Haridwar, District Haridwar.
62. Sachin Kumar (Male), Aged about 36 years S/o Late shri Subhash Chand, Presently posted as Head Constable (Intelligence) at SPR dehradun District DEHRADUN.
63. Surendra Singh Barthiyal (Male), S/o Late Jagat Singh Barthiyal, Presently posted Presently posted as Head Constable (Intelligence) at LIU Nainital District Nainital.
64. Nirmal Singh (Male), Aged about 38 years, S/o Sri Rajenda Singh, Presently posted as Head Constable (Intelligence) at LIU Tehri Garhwal, District Tehri Garhwal.
65. Vishal Rohthan (Male), S/o Sri Ramdayal Rohthan, Presently posted as Head Constable (Intelligence) at LIU Haridwar, District Haridwar.
66. Deepak Singh Jalal Age About 40 S/O Late Chandan Singh Jalal Presently Posted as Head Constable (Intelligence) at LIU District Nainital.
67. Kuldeep Singh Negi (Male), Sio Sri Dilbar Singh Negi, Presently posted as Head Constable (Intelligence) at intelligence and security headquarter Dehradun.
68. Suresh Kumar tamta (Male), S/o Sri Nain Ram, Presently posted as Head Constable (Intelligence) at LIU Banbasa, District Champawat.
69. Deepak Singh (Male), S/o Sri Kishan Singh, Presently posted as Head Constable (Intelligence) at LIU Almora District Almora.
70. Surendra Singh (Male), S/o Sri Pan Singh, Presently posted Head Constable (Intelligence) at SIO office Haldwani district Nainital.
71. Suryakant Uniyal (Male), S/o Sri Mahilal Uniyal, Presently posted as Head Constable (Intelligence) at present SDRF Jollygrant District Dehradun District Dehradun.
72. Ratan Lal (Male), Aged about 45 years, S/o Sri Suresha Mistry, Presently posted as Head Constable (Intelligence), at Office of LIU Dehradun District Dehradun.
73. Rajesh Chandra Pandey (Male), S/o Sri Kishna Nand, Presently posted as Head Constable (Intelligence), at the Office of LIU Bageshwar District Bageshwar.
74. Prakash Chandra Dubey (Male), S/o Late Leeladhar Dubey Presently posted as Head Constable (Intelligence), at the Special Intelligence Officer Unit, District Bageshwar.
75. Shailesh Chandra (Male), S/o Sri Ramesh Chandra Thapliyal, Presently posted as Head Constable (Intelligence), at the Asio/V.K Doiwala District Dehradun.

76. Mahesh Binwal (Male), S/o Sri Devidutt Binwal, Presently posted as Head Constable (Intelligence), at the Office LIU Udham Singh Nagar District Udham Singh Nagar.

77. Laxman Singh (Male), Aged about 37 years, S/o Sri Balam Singh Presently posted as Head Constable (Intelligence), at Office of LIU Tehri Garhwal District Tehri Garhwal.

78. Arun Nautiyal (Male), Aged about 44 years, S/o late Brijmohan Nautiyal, Presently posted as Head Constable (Intelligence), at Office of LIU Haridwar District Haridwar.

79. Daleep Singh(Male) S/o Shri Chandra Singh presently posted at head constable (Intelligence) special intelligence officer, unit Pauri district Pauri Garhwal.

80. Prem Singh (male) aged about 32 year, s/o Sri Bachan Singh, presently Posting head Constable (intelligence), special branch SPR Dehradun.

81. Himanshu Dangwal aged about 34 year, S/o Diagmbar Prasad, presently Posting head constable (intelligence), Intelligence headquarters Uttarakhand.

82. Prakash chandra pandey (Male) aged about 43 year, S/o Shri Ganga Datt Pandey, presently posted as Head constable (intelligence), at Special branch Nainital, District Nainital.

83. Balam Singh (Male) Aged about 47 years S/o Sri Vijender Singh, Presently Posted as Head Constable (Intelligence) at sio staff Kalagr District Pauri.

84. Harish Chandra Joshi (male) aged about 40 year, s/o Sri Lalit prasad Joshi, presently Posted as head Constable (intelligence), at zonal office in Pithoragarh, district Pithoragarh.

85. Gopal Singh (male) aged about 38 year, s/o Sri Lakshman Singh, presently posted as Head Constable (intelligence), at LIU Champawat.

86. Anil Lal (male) aged my about 33yrs S/o Sri Rajendra La,l presently posted Asio unit Devpryag.

87. Narendra Singh (Male), Aged about 36 years, S/o Sri Ajit Singh, Presently posted as Head Constable (Intelligence), at Office of LIU Pauri Garhwal, District Pauri Garhwal.

88. Pradeep Singh Rawat, Head Constable (Intelligence), at Police Head Quarter, Dehradun.

89. Deepak Adhikari, Head Constable (Intelligence), at Office of LIU Almora, Uttarakhand.

90. Satish Badola, Head Constable (Intelligence), at Office of LIU Haridwar, Uttarakhand.

91. Bhupender Singh Rawat S/o Late Manwar Singh Rawat, Head Constable (Intelligence), at Office of Superintendent of Police Regional (LIU), Dehradun.

.....**Petitioners**

Versus

1. State of Uttarakhand through Principal Secretary, Department of Home, Govt. of Uttarakhand, Dehradun.

2. Director General of Police, Uttarakhand Police Headquarter, Dehradun.
3. Inspector General of Police (Personnel), Uttarakhand Police Headquarters, Dehradun.
4. Additional Director General of Police (Intelligence), Uttarakhand, Dehradun.
5. Mr. Anil Dhek (Male), Addl. Sub Inspector (Int.), Office of Assistant Special Intelligence Officer, Rausal (Retired).
6. Mr. Sabir Ali, S/o Sri Akhtar Ali, Presently posted as Addl. Sub Inspector LIU Champawat, District Champawat.
7. Mr. Narish Giri (Male), Aged about 59 years, S/o Sri Madan Giri, Presently posted Addl. Sub Inspector, Office of Assistant Special Intelligence Officer, Jhulaghat District Pithoragarh.
8. Mr. Babil Singh Negi (Male), Aged about 59 years, S/o Sri Keshar Singh Negi, Presently posted as Addl. Sub Inspector (Int.) Special Intelligence Officer, Kotdwar, District Kotdwar.
9. Mr. Jagdev Singh (Male), Aged about 59 years, S/o Sri Kali Ram Singh, Presently posted Addl. Sub Inspector (Int.) at Uttarakhand Sadan.
10. Mr. Gop Ram Arya S/o Sri Hash Ram Arya, Addl. Sub Inspector (Int.), Special Intelligence Officer, District Bageshwar (Retired).
11. Mr. Devi Dutt Joshi (Male), Aged about 58 years, S/o Sri Dharmanand Presently posted as Addl. Sub Inspector (Int.), Special Intelligence Officer Haldwani, District Nainital.
12. Ms. Maya Arya (Female), Aged about 61 years, D/o Sri Hari Ram, Addl. Sub Inspector (Int.), Special Intelligence Officer, (Special Cell) Haldwani, District Nainital. (Retired).
13. Ms. Maya Yadav (Female), Aged about 50 years, W/o Sri Naresh Pal Yadav, Presently posted as Addl. Sub Inspector (Int.) Special Intelligence Officer, Kashipur, District Udham Singh Nagar.
14. Ms. Vimla Adhikari (Female), Aged about 59 years, W/o Sri Pushpendra Singh. Presently posted as Addl. Sub Inspector (LIU) Dehradun, District Dehradun.
15. Mr. Prem Prakash Tamta (Male), Aged about 60 years, S/o Sri Kishan Ram, Addl. Sub Inspector (Int.) Special Intelligence Officer, LIU Pithoragarh, District Pithoragarh. (Retired).
16. Mr. Ramesh Ram (Male), Aged about 59 years, S/o Sri Khem Ram, Presently posted as Addl. Sub Inspector LIU Bageshwar, District Bageshwar.
17. Mr. Dayal Singh Jantwal (Male), Aged about 56 years, S/o Sri Khadak Singh, Presently posted as Addl. Sub Inspector, Assistant Special Intelligent Officer, Tamli.
18. Mr. Kaushal Kumar Upadhaya (Male), Aged about 56 years, S/o Sri Dharmanand, Presently posted as Addl. Sub Inspector, Special Officer Rudrapur, District Rudrapur.
19. Ms. Savitra Panwar (Female), Aged about 60 years, D/o Sri Ratan Singh Panwar, Addl. Sub Inspector, Int Head Quarter Dehradun. (Retired).
20. Ms. Leela Arya (Female), Aged about 58 years, S/o Sri Param Ram. Presently posted as Addl. Sub Inspector, Assistance Intelligence Officer Bazpur, District Udham Singh.

21. Ms. Pushpa Rawat (Female), Aged about 57 years, W/o Sri Mani Ram Dhasmana. Presently posted as Addl. Sub Inspector, LIU Dehradun, District Dehradun.
22. Mr. Vishwaprakash Thapliyal (Male), Aged about 57 years, S/o Sri Sachidanand Thapliyal. Presently posted as Addl. Sub Inspector, LIU Dehradun, District Dehradun.
23. Mr. Sudershan Negi (Male), Aged about 60 years, S/o Sri Balak Singh Negi, Addl. Sub Inspector, Special Intelligence Office, Dehradun, District Dehradun. (Retired).
24. Mr. Pushkar Singh Kathaith (Male), Aged about 55 years, S/o Sri Jagat Singh, Presently posted as Addl, Sub Inspector, LIU Dehradun, District Dehradun.
25. Mr. Ramjani Siddiqui (Male), Aged about 60years, Late Alviksh, Addl. Sub Inspector, Vidhan Sabha Sector Dehradun, District Dehradun (Retired).
26. Ms. Godawari Joshi (Female), Aged about 58 years, D/o Sri Baladutt, Presently posted as Addl, Sub Inspector, LIU Champawat, District Champawat.
27. Ms. Veena Garbhiyal (Female), Aged about 56 years, W/o Sri Dev Singh Garbhiyal. Presently posted as Addl, Sub Inspector, LIU Nainital, District Nainital.
28. Mr. Harish Ram, (Male), Aged about 60 years, S/o Sri Ganga Ram, Addl. Sub Inspector, LIU Nainital, District Nainital. (Retired).
29. Mr. Hari Shankar Khanooliya, (Male), Aged about 57 years, S/o Sri Dinesh Chand, Presently posted as Addl, Sub Inspector, Special Intelligence Officer Kashipur, District US Nagar.
30. Mr. Jai Pal Singh Taryal, (Male), Aged about 56 years, S/o Sri Surendra Singh, Presently posted as Addl, Sub Inspector, LIU Dehradun, District Dehradun. (मृत्यु)
31. Mr. Inder Singh Rawat, (Male), Aged about 59 years, S/o Sri Lakshman Singh. Presently posted as Addl. Sub Inspector, LIU Udham Singh Nagar, District Udham Singh Nagar.
32. Mr. Hari Singh Bisht, (Male), Aged about 55 years, S/o Sri Prem Singh Bisht. Presently posted as Addl. Sub Inspector, Special Intelligence Officer Rudrapur, District Udham Singh Nagar.
33. Mr. Bharat Singh, (Male), Aged about 57 years, S/o Sri Dhoom Singh. Presently posted as Addl, Sub Inspector, LIU Dehradun, District Dehradun.
34. Mr. Kanchan Kishore Joshi, (Male), Aged about 55 years, S/o Sri Mathura Dutt. Presently posted as Addl. Sub Inspector, Special Intelligence Officer Haldane District Nainital.
35. Mr. Devendra Lal Tamta, (Male), Aged about 57 years, S/o Sri Chandar Lal, Presently posted as Addl. Sub Inspector, LIU Chamoll, District Chamoli.
36. Mr. Ramesh Chand Singh Sajwan, (Male), Aged about 52 years, S/o Sri Hukam Singh, Presently posted as Addl. Sub Inspector, INT H.Q, District Dehradun.
37. Mr. Bhuwadeshwar Prasad Silori, (Male), Aged about 52 years, S/o Sri Ghar Prasad Silori, Presently posted as Addl. Sub Inspector, INT Head Quarter Dehradun, District Dehradun.

38. Mr. Chand Singh Panwar, (Male), Aged about 53 years, S/o Sri Soorvir Singh, Presently posted as Addl. Sub Inspector, LIU Haridwar, District Haridwar.
39. Mr. Madan Singh, (Male), Aged about 52 years, S/o Sri Sadhu Singh Presently posted as Addl. Sub Inspector, LIU Haridwar, District Haridwar.
40. Mr. Naveen Chand Joshi, (Male), Aged about 52 years, S/o Sri Ram Dutt Jsohi, Presently posted as Addl. Sub Inspector, Assistant Special Intelligence Officer Tanakpur, District Champawat.
41. Ms. Kamla Rawat, (Female), Aged about 55 years, W/o Sri Jiwan Singh Rawat. Presently posted as Addl. Sub Inspector, LIU Nainital, District Nainital.
42. Ms. Rajeshwari Khadayat, (Female), Aged about 55 years, W/o Sri Ravinder Singh, Presently posted as Addl. Sub Inspector, Special Intelligence Officer Pithoragarh, District Pithoragarh.
43. Ms. Anju Bisht, (Female), Aged about 55years, Presently posted as Addl. Sub Inspector, Vidhan Sabha Sector Dehradun, District Dehradun.
44. Mr. Girish Chandra, (Male), Aged about 52 years, S/o Sri Govind Ram, Presently posted as Addl. Sub Inspector, Int Head quarter Dehradun, District Dehradun.
45. Mr. Balwant Singh (Male), Aged about 54 years, S/o Sri Goga Singh, Presently posted as Addl. Sub Inspector, LIU Udham Singh Nagar, District Udham Singh Nagar.
46. Ms. Ranjana Rana, (Female), Aged about 52 years, W/o Sri Badam Singh Rana, Presently posted as Addl. Sub Inspector, SPR Haldane, Nainital. District Nainital.
47. Ms. Saraswati Tiwari Bhatt (Female), Aged about 54 years, Presently posted as Addl. Sub Inspector, LIU Dehradun, District Dehradun.
48. Mr. Narayan Singh, (Male), Aged about 52 S/o Sri Chima Singh, Presently posted as Addl. Sub Inspector, Vidhan Sabha Sec. Dehradun, District Dehradun.
49. Ms. Geeta Singwal, (Female), Aged about 49 years, D/o Sri Kheem Singh, Presently posted as Addl. Sub Inspector, Special Intelligence Officer Almora, District Almora.
50. Ms. Rekha Pandey Joshi, (Female), Aged about 49 years, D/o Sri Mathura Dutt, Presently posted as Addl. Sub Inspector, LIU Almora, District Almora.
51. Ms. Meena Negi Rana, (Female), Aged about 50 years, D/o Sri Khan Singh Negi, Presently posted as Addl. Sub Inspector, Special Intelligence Officer Uttarkashi, District Uttarkashi.
52. Ms. Usha Chauhan Rana, (Female), Aged about 49 years, D/o Sri Hari Singh Chauhan, Presently posted as Addl. Sub Inspector, Zonal officer Uttarkashi, District Uttarkashi.
53. Ms. Meena Negi Rana, (Female), Aged about 50 years, D/o Sri Khan Singh Negi, Presently posted as Addl. Sub Inspector, Special Intelligence Officer Uttarkashi, District Uttarkashi. [*Repetition of name of Petitioner No.51*].
54. Mr. Manoj Kumar, (Male) Aged about 47 years, S/o Sri Anand Mani, Presently posted as Addl. Sub Inspector, INT Head Quarter Dehradun, District Dehradun.
55. Mr. Jeewan Singh, (Male) Aged about 47 years, S/o Sri Hoshiyar Negi, Presently posted as Addl. Sub Inspector, Assistant Special Intelligence officer Ramnagar, District Nainital.

56. Ms. Anjani Negi, (Female), Aged about 48 years, D/o Sri Govind Singh Negi, Presently posted as Addl. Sub Inspector, Superintendent of Police Regional Dehradun, District Dehradun.

57. Mr. Dharendra Singh, (Male), Aged about 52 years, D/o Sri Gagan Singh, Presently posted as Addl. Sub Inspector, Special Intelligence Officer Dharchula, District Pithoragarh.

58. Ms. Sita Bhandari, (Female), Aged about 49 years, W/o Sri Bachchan Singh Bhandari, Presently posted as Addl. Sub Inspector, Special Intelligence Officer Rishikesh, Dehradun.

59. Ms. Beera, (Female), Aged about 49 years, D/o Sri Ganga Singh Rawar, Presently posted as Addl. Sub Inspector, LIU Udham Singh Nagar, District Udham Singh Nagar.

60. Ms. Sunita Bors, (Female), Aged about 46 years, D/o Sri Hukum Singh, Presently posted as Addl. Sub Inspector, LIU Nainital, District Nainital.

61. Mr. Prem Singh, (Male), Aged about 51 years, D/o Sri Udal Singh, Presently posted as Addl. Sub Inspector, Superintendent of police Regional Haldwani, District Nainital.

62. Mr. Sher Mohammad, (Male), Aged about 49 years, D/o Sri Gaffar Ahmed, Presently posted as Addl. Sub Inspector, INT Head Quarter Dehradun, District Dehradun.

63. Mr. Deven Kumar Dhoom, (Male), Aged about 49. years, S/o Sri Dhoom Singh, Presently posted as Addl. Sub Inspector, LIU Dehradun, District Dehradun.

64. Mr. Vijender Singh Negi S/o Sh. Chander Singh, Addl. Sub Inspector, LIU, office of ASIO Jaspur, Udham Singh Nagar. (Retired).

65. Rampal Singh S/o Khushal Singh, Addl. Sub Inspector, LIU, Secretariat Security, Dehradun. (Retired)

66. Suresh Kumar S/o Hukam Singh, Addl. Sub Inspector (LIU), office of ASIO Railway, Haridwar. (Retired).

.....Respondents

Present: Sri Deepak Singh, Advocate, for the petitioners.
Sri V.P.Devrani, A.P.O., for official Respondents.

JUDGMENT

DATED: MARCH 10, 2026

Sri Arun Singh Rawat, Vice Chairman (A)

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

“a) To quash the Final Seniority List dated 11.11.2022 and impugned order dated 29.11.2022 and to redraw a Fresh Seniority List by way of placing Petitioners in rotation with Respondents and to declare Petitioners Selection year as 2020-2021 and to grant all consequential benefits accordingly to the Petitioner and consequently quash promotion order dated 10.02.2023, 19.06.2023 and 02.07.2024 of Respondents.

b) Issue any other, order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the present case.

c) Award costs to the petitioner.”

2. Facts giving rise to present claim petition are as under:

2.1 Vide notification/letter dated 22.01.2021, application from the Constables for appearing in departmental promotion examination for promotion to post of Head Constables were invited for the selection year 2020-2021. A total of 394 posts of Head Constables were lying vacant out of which 135 posts of Head Constables Intelligence were to be filled from departmental examination basis.

2.2 Petitioners appeared in the departmental exam which was conducted on 21.02.2021. Respondents No.5 to 66 were directed to report for training in order to grant promotion to the post of Head Constables on the basis of seniority. Respondents No.5 to 66 commenced their training on 14.06.2021 and completed the same on 16.09.2021, their promotion order dated 21.09.2021 was passed for the post of Head Constable (INTELLIGENCE). (Copy: Annexure – 5).

2.3 Service Condition of the petitioners is governed by the Uttarakhand Police Constable, Head Constables (Civil Police, INTELLIGENCE & Armed Police) Service Rule 2018 (for short, Rules of 2018). Rule 5 of the Rules of 2018 deals with the source of recruitment on the post of Head Constable and provides that 50% of the vacancies will be filled by departmental exam and remaining 50% vacancies will be filled on the basis of seniority subject to rejection of unfit. Further Rule 27 lays down the criteria for fixation of seniority and Rule 27 (d) provides that the services of the candidate will be determined from the date of start of the prescribed training at Police Training Centre.

2.4. The Rules of 2018 were amended on 23.11.2021. Copy of the amended Rules of 2018 has been enclosed as Annexure: 6 to the claim petition. By way of these amendments, following changes have been done in the Rules of 2018:

i. By way of amending Rule 24 (a) & (b), the respondents have abolished the 50% quota of the post of Head Constable to be filled through Departmental exam. As a matter of fact, according to this amendment 100% posts of Head Constable were to be filled on the basis of seniority.

ii. By way of amending Rule 27 (b) the existing rule that the seniority of Head Constable promoted through Departmental exam shall be counted on the basis of the merit list of the exam was replaced with a new rule that the seniority of the Head Constable shall be counted from the date of his substantive appointment on the post of Head Constable in accordance with Rule 6 of Uttarakhand Government Servant Seniority Rules, 2002.

III. By way of amending Rule 27 (c) the existing rule of fixing the seniority by way of keeping the Head Constables promoted on the basis of seniority as well as by way of departmental exam in rotation was completely abolished and the new rule was introduced according to which the seniority of the Head Constable will be counted from the date of beginning of the PTC training period.

iv. It is important to highlight that Rule 27 (c) was changed and rotation rule was abolished because the relevant Department Exam was abolished, therefore the rule of Rotation was removed, but still the rule of counting the seniority from the date of commencement of training was kept unchanged and even according to this Amended Rule 2021, the petitioners joined training on 17.02.2022 and their service has to be counted w.e.f 17.02.2022 against the Selection year 2020-2021 falls under the Selection year 2021-2022 along with respondents and should have been included in the Seniority List dated 11.11.2022.

2.5. Vide notification dated 08.01.2022 the result of the petitioners was declared. The result was declared by Uttarakhand Subordinate Service Commission, Dehradun, and the petitioners along with a total 135 candidates were declared successful in the

examination for the post of Head Constable Intelligence. (Copy of Notification dated 08.01.2022: Annexure-7).

2.6 On 09.09.2022, the Additional Chief Secretary Home, Uttarakhand informed the Director General of Police Uttarakhand about the Cabinet Decision providing for creation of a new post of Additional Sub Inspector (ASI) as follows:

"In order to provide opportunities for promotion to the constables in all constable cadres under the police department in the state, after due consideration at the government level, I have been directed to say that the constables (all cadres) under the police department after deducting 20% posts (total 3500 posts) out of the total sanctioned 17503 posts out of the currently created 3440 posts of Head Constables (all cadres) in relation to the said posts the Governor is pleased to approve the creation of 1750 new post of Inspector (carrying new designation Additional Sub Inspector) in the pay scale of Rs 35400-112400(Level 6) and "the above created Additional Sub Inspector (ASI) posts will be filled through 100% promotion from Head Constable." (Copy of letter dated 09.09.2022: Annexure- 9).

2.7. Respondent no 2 vide letter dated 02.02.2022 instructed the aforesaid selected candidates to join training of 7 months commencing from 17.02.2022. (Annexure – 8). Promotion order of the petitioners was passed on 06.10.2022 (Annexure: 10).

2.8 Further amendments were made in the Rules of 2018 vide notification dated 20.10.2022. Pursuant to amendment done on 20.10.2022 of 2018 Rules, the provisions of Rule (c) and (d) of amended Rule 24 provide that as far as the post of Additional Sub Inspector is concerned, the same would be filled 100% on the basis of seniority subject to rejection of unfit, cadre wise, from such Head Constables who have completed 2 years of requisite service, as per procedure provided in Appendix-7 of the Rules. Similarly insertion of new clause (d) and (e) in Rule 27 namely "(d) -"Cadre wise seniority of Head Constable (Civil Police/ Intelligence/ Armed Police) promoted on

the basis of seniority and promoted on the basis of departmental selection examination in the same selection year, as far as possible, in rotation according to the quota vested for both the sources (the first place will be of the person promoted by seniority). As per Rule 27 (c), the seniority of the Additional Sub Inspector will be as per the cadre wise final seniority prescribed on the post of Head Constable. The newly inserted Rule 27(d) was already existing as 27 (c) in the Rules of 2018, which was removed by way of amendment done in the Uttarakhand Police Constable and Head Constable (Civil Police, Intelligence and Armed Police) Service Rules, 2021(Annexure: 11). By way of amendment done on 23.11.2021 the Rule 27 (c) was replaced by abolishing the system of keeping the Head constables promoted on the basis of seniority in rotation with Head Constables promoted through Departmental exams, with the following amendment:

"the seniority of the Head Constable will be counted from the date of beginning of the PTC training period,"

2.9 Further in the amendment made on 20.10.2022, this rule has not been abolished and even as per this amended Rule 27 (c), the petitioners should be placed in rotation with Head Constables promoted on 09.11.2020.

2.10 On 02.11.2022 respondent department issued a tentative seniority list, which did not consist the names of the petitioners and thereafter a final seniority list dated 11.11.2022 was issued which included only the names of the Respondents who were promoted up to the year 2021 and petitioners were deliberately not included in this seniority list, though the petitioners were promoted on 06.10.2022.

2.11 Sri Kuldeep Singh Negi, Petitioner No. 67 (in present claim petition), had filed a representation against the final seniority list dated 11.11.2022, raising his objections, but the representation of Sri Kuldeep Singh Negi was rejected by the respondents vide order dated 29.11.2022, on the ground that Head Constables who have qualified departmental exam, have been promoted on 06.10.2022, whereas Head Constables made on the basis of seniority have been promoted

on 21.09.2021, hence the selection year is different. It was further stated that since the selection year is different, therefore Rule 27 of Service Rule 2018 as amended from time to time will not be applicable.

2.12 As per Rule 27 (c) of 2018 Rules, the service of the petitioners was to be counted from the beginning of the PTC training period i.e. 17.02.2022, and the petitioners were deemed to be appointed in the selection year 2020-2021 as it was the vacant posts against the selection year 2020-21. The petitioners had qualified. The respondent department's observation in the impugned order dated 29.11.2022, as well as impugned final seniority list dated 11.11.2022, to the effect that the petitioners are or belong to the selection year 2022-23 is a complete erroneous finding, inasmuch as the petitioners, had duly participated in the departmental promotion exam for promotion for the post of Head Constable on the basis of letter dated 22-01-2021. The last date of submitting application for the said Departmental Promotion Examination was 27-01-2021. In the said letter dated 22-01-2021, it was categorically stated that the departmental examination is being conducted for vacant posts of Civil Police/Intelligence/Armed Police. Further the result of the departmental examination was declared on 08-01-2022 and petitioners went for compulsory training (PTC) on 17-02-2022. Hence, the selection year for promotion of the petitioners is 2020-2021 and not 2022-2023.

2.13. Respondent No.5 to 36 were promoted on 10.02.2023 to the post of Additional Sub Inspector (Intelligence) after granting relaxation in their qualifying service, who are the same Head Constables, who have been wrongly given seniority over the petitioners through impugned seniority list dated 11.11.2022. Petitioners must have been included in the said seniority list dated 11.11.2022 by keeping them in rotation with the respondents, as both the respondents and petitioners had the same selection Year of 2020-2021. Further, on 19.06.2024 Respondent No. 44, 45, 46, 48, 50 to 53, 55 to 63 were promoted to the post of Additional Sub Inspector and Respondent No. 66 was promoted to the post of Additional Sub

Inspector vide promotion order dated 02.07.2024. (Copy of promotion order dated 10.02.2023, 19.06.2023 and 02.07.2024 are enclosed as Annexure-14).

2.14. Admittedly, in the Service Rules 2018, as amended from time to time until 2022, Rule 27 (d) specifically provides that the seniority of the persons selected for promotion on the post of Head Constables will be determined from the date of start of the Training in the PTC and therefore, the date of promotion of the petitioners has to be treated w.e.f 17.02.2022 but against the selection year 2020-2021, as the selection of petitioners was done for the post lying vacant against the selection year 2020-2021. That Rule 27 (c) of Service Rules 2018 clearly provides that the service on the post of Head Constable has to be counted from the date of commencement of training, therefore the act of respondent department to count the length of service from the date of passing promotion on 06.10.2022 is wrong and contrary to Rules and final seniority list of Head Constables, Intelligence, is liable to be revised and redrawn by including the name of the petitioners in accordance with Rule 27(d) of the Service Rules.

3. Claim petition is supported by the affidavit of Sri Naveen Saini, Petitioner No.1. Relevant documents have been filed along with the same.

4. Claim petition has been contested on behalf of respondents. C.A. has been filed by Sri Yogesh Chand, Deputy Superintendent of Police, Intelligence and Security, HQ, Chadra Road, Dalanwala, Dehradun, on behalf of Respondents No. 1& 2. Relevant documents have been filed in support of C.A. Respondents 3&4 adopted the CA filed by respondents 1&2. Neither CA has been filed on behalf of the private respondents 5 to 66 and nor anybody appeared on their behalf despite sufficient service of notices.

4.1 Ld. A.P.O., on the strength of C.A. filed on behalf of Respondents submitted that the services of Constables and Head Constables in the Civil Police, Intelligence, and Armed Police in the State of Uttarakhand are governed by the Uttarakhand Police

Constable and Head Constable (Civil Police, Intelligence & Armed Police) Service Rules, 2018.

4.2 That Rule 5(2) of the 2018 Rules originally provided a 50:50 promotion scheme, half the vacancies to be filled by Departmental Promotion Examination (DPE) and half by seniority-cum-fitness.

4.3 Rule 24(a) & **Schedule-6 detailed the procedure for the DPE**, including the five-year qualifying service and the 45-year age cap. Under Rule 24(a), Respondent No. 3 (PHQ) issued letter No. DG/07/18-2020(3) dated 22/01/2021(w.e.f 01/07/2020 - 30/06/2021) inviting applications for the DPE to fill 394 Head-Constable vacancies for the selection year 2020-2021, out of which 135 were of the Intelligence Cadre. (Copy : Annexure C-A-R-3). The notice clearly prescribed the following eligibility conditions:

(i) age not exceeding 45 years as on 01/07/2020, and (ii) a clean record in respect of Annual Confidential Reports (A.C.R.) and disciplinary matters, thereby unequivocally linking the exercise to the selection year 2020-2021. Para-17 of the aforesaid notice also lays down that the promotion order to the personnel will be issued by the appointment authority after completion of basic and practical training.

4.4 The Departmental Promotion Examination (DPE) was conducted on 21.02.2021, and the Uttarakhand Subordinate Service Selection Commission(UKSSSC) declared the result vide notification dated 08.01.2022, whereby the petitioner, Shri Naveen Saini, along with 134 others, was selected for promotion to the Intelligence Branch. (Copy: Annexure C-A-R-4).

4.5 The selectees were directed vide letter dated 02.02.2022 to undergo 04 months' basic PTC training plus 02 months' practical training commencing from 17.02.2022. (Copy of letter dated 02.02.2022 : Annexure C-A-R-5).

4.6 After successful completion of training, promotion orders to

the post of Head Constable (Intelligence) were issued on 06.10.2022, the substantive date of promotion is deemed 17.02.2022 which means that the section year is 2021-2022 (w.e.f 01/07/2021-30/06/2022) as per the Rule 27(d) or (घ) of rules 2018 which states that, “The service of the candidate selected for promotion to the post of Head Constable will be counted from the beginning of the PTC training period” (same being amended as (c) or (ग) in amended rules 2021 and removed in the amended rules 2022). Although the departmental exam was advertised in January 2021, and vacancies were notionally linked to 2020-2021, that alone doesn't define the selection year. Since the actual induction into the promotional post (through) training happened in 2022, the selection year is considered to be 2022-2023, not 2020-2021. (Copy of order dated 06.10.2022: Annexure C-A-R-6).

4.7 The 2018 Rules were amended vide Government Notification No.1290/XX-1-2021-01(63)/2016 dated 23.11.2021 (Second Amendment Rules 2021) whereby:

“Rule 24 was substituted—100 % of Head-Constable vacancies to be filled by seniority subject to rejection of unfit;

Rule 27 :- In the principal rules, for the existing rule 27 given in Column-1 below, the rule given in Column-2 shall be substituted, namely:-

<i>Column-1 (existing rules)</i>	<i>Column-2 (Rule hereby superseded)</i>
<i>27 (a) or [27 (क)] The seniority of persons substantively appointed to a post shall be determined in accordance with the Uttarakhand Government Servants Seniority Rules, 2002, as amended from time to time.</i>	<i>27 (a) or [27 (क)] The seniority of persons substantively appointed to a post shall be determined in accordance with the Uttarakhand Government Servants Seniority Rules, 2002, as amended from time to time.</i>
<i>During the promotion process, the Police Engineer List will be prepared cadre wise for the personnel of Civil Police, Intelligence and Armed Police.</i>	<i>During the promotion process, the seniority list of civil police, intelligence and armed policemen will be prepared cadre wise.</i>
<i>(b) or (ख) The seniority of the head constable selected from the departmental selection test will be prepared on the basis of the proficiency list.</i>	<i>(b) or (ख) According to Rule 6 of the Uttarakhand Government Servant Seniority Rules 2002, the seniority of the head constable will remain the same as per the seniority of the original post.</i>
<i>(c) or (ग) In the same selection year, provision shall be made to determine the seniority of Head Constables appointed through departmental selection</i>	<i>(c) or (ग) The service of the candidate selected for promotion to the post of Chief Constable will be counted from the</i>

<i>examination and Head Constables promoted on the basis of seniority, as far as possible, <u>in rotation</u> (the first position shall be of the person promoted on the basis of seniority) in accordance with the quota inherent in both the sources.</i>	<u>beginning of the training period at the Police Training Centre.</u>
<i>(d) or (घ) The service of the candidate selected for promotion to the post of Head Constable will be counted from the <u>beginning of the PTC training period.</u></i>	<i>(the cyclic order was removed from the amended rules)</i>

4.8 The amendment was prospective in nature, i.e., selections already initiated for the 2020-2021 vacancy-year under the unamended quota were preserved, hence petitioners' DPE promotions remain valid. Thereafter the State Government, by G.O. No. Home/Police/2090 dated 14/11/2022, re-structured the cadre abolishing 3500 Constable posts, upgrading 1750 to Head Constable and creating 1750 posts of Additional Sub-Inspector (ASI) to be filled 100 % by promotion from Head Constables with 02 years' qualifying service. (Copy of G.O. dated 14.11.2022: Annexure C-A-R-7).

4.9 Corresponding amendments of Rule 5(3) and Rule 24[(c) or (ग)-(d) or (घ)] were notified on 20.10.2022 (Third Amendment Rules 2022), prescribing the ASI promotion pathway and restoring a rotation principle (Rule 27(d) or (घ)) between seniority-promotee and DPE-promotee Head Constables within the same selection year. The provisions as amended are mentioned hereunder:-

4.10 Amendment of Rule 27:- principal rules (i.e. 2018 rules), after clause (c) or (ग) of rule 27, new clauses (d) or (घ) and (e) or (ङ) shall be inserted as follows, namely:-

"(d) The cadre wise seniority of Head Constables appointed through Departmental Selection Examination in the same selection year and Head Constables (Civil Police/Intelligence/Armed Police) promoted on the basis of seniority shall, as far as possible, be determined in rotation (the first place will be of the person promoted on the basis of seniority) in accordance with the quota inherent in both the sources.

(e) The seniority of the Additional Sub-Inspector shall be as per the

last seniority determined cadre wise for the post of Head Constable."

4.11 Copy of the Uttarakhand Constable & Head Constable (Civil, Intelligence & Armed Police) Service (Amendment) Rules 2022 is enclosed herewith as Annexure C-A-R-8) to this counter affidavit.

4.12 Respondent No. 2 prepared a tentative seniority list of Head Constables (Intelligence) on 02.11.2022 and, after considering objections, a final seniority list was published on 11.11.2022. The petitioners, whose promotion orders were issued only on 06.10.2022 in accordance with the Service Rules, as the date of promotion order is irrelevant for determining seniority as per rule 27(d) and hence, they were not included in either list, as the competent authority treated them as part of the subsequent selection cycle for the year 2022–2023 as per the applicable and superseding provisions of Amended rules 2022

4.13 Representation moved by one of the petitioners on 21.11.2022 was rejected on 29.11.2022 on the ground that seniority-promotees were promoted on 21.09.2021 (selection year 2021-2022), whereas DPE-promotees were promoted on 06.10.2022 (subsequent cycle) after completion of training, which is in accordance with the service rules.

4.14 Rule 27(d) or (घ) of 2018 and 27(c) or (ग) of 2021 clearly stipulates that the commencement of training shall be the date from which service is to be reckoned. However, for the purpose of placement in the seniority list, the relevant criterion is the date of substantive appointment after successful completion of training, which, in the case of the petitioners, is 06.10.2022. Accordingly, the petitioners fall within the 2021–2022 selection cycle, and not the 2020–2021 cycle. Pursuant to the Final Seniority List, Respondents No. 5 to 66, who were promoted to the post of Head Constable on the basis of seniority, were further promoted to the post of Additional Sub-Inspector (Intelligence) vide orders dated 10.02.2023, 19.06.2023, and 02.07.2024.

4.15 That petitioners' assertion that they should be rotated with

Respondents in the 2020-2021 list is wholly misconceived and devoid of any legal merit, both on factual and legal grounds. Their promotion orders were issued on 06.10.2022, squarely placing them in the selection cycle (as per the date of commencement of training being 17.02.2022). As per the amended Rule 24 and Appendix-8, “seniority is determined only after the issuance of the promotion order, not from the date of training. Successful completion of training is a prerequisite for substantive appointment, but it does not fix inter se seniority. Any claim to retrospective seniority disrupts the statutory framework and is liable to be rejected.”

4.16 That Government Orders dated 28.11.2002 and 23.06.2003 relied upon by petitioners pertain to initial recruitment cycles and not to promotions under the 2018 Rules. Even otherwise, both G.O.s affirm that vacancies are to be reckoned as on 1st July of the relevant selection year. The petitioners' vacancies were duly carried forward and operated only for the 01.07.2021 to 30.06.2022 cycle, fully affirming the department's action and placement of the petitioners in the subsequent selection year. (Copy of G.O. dated 28.11.2002 & 23.06.2003 are collectively enclosed herewith & same marked as Annexure C-A-R-14 & 15) .

4.17 It is further the submission of respondents that the contention of petitioners that the Third Amendment Rules, 2022 are inapplicable, is misconceived. Rule 5(3) & Rule 27 expressly govern all ASI promotions post- 20.10.2022, including any benefit that Petitioners now seek; hence they cannot selectively ignore the amendment while invoking rotation.

4.18 It is further submission of Ld. A.P.O. that the issues raised in the present claim petition are fully covered by the judgment rendered by the Hon'ble Uttarakhand Public Services Tribunal in Claim Petition No. 94/NB/DB/2023 – Sanjay Singh Bisht & Others vs. State of Uttarakhand & Others, decided on 09/07/2025, wherein similar facts, service conditions, and legal contentions were raised. The Hon'ble Tribunal, after examining the amended Service Rules and the

documentary record, was pleased to dismiss the said claim petition, holding inter alia that:

- (i) Seniority shall be counted from the date of substantive appointment after successful training;
- (ii) The amended Service Rules (including rotation method and 100% promotion) were valid and applicable;
- (iii) Petitioners' selection year was rightly treated as 2022-2023.

Therefore, the present claim, being identical in nature and devoid of new grounds, deserves to be dismissed in light of the binding and recent precedent.

4.19 It is also submitted on behalf of the respondents that the vires or constitutional validity of Rules framed under the proviso to Article 309 cannot be examined by the *Hon'ble Public Services Tribunal, as categorically held by the Hon'ble High Court in Shyam Lal v. State of Uttarakhand, W.P. (S/B) No. 39 of 2020, decided on 23.06.2020*. The Hon'ble Court held that the Tribunal, constituted under the Uttar Pradesh Public Services Tribunal Act, 1976, lacks jurisdiction to adjudicate challenges to statutory provisions or rules framed under Article 309. Nevertheless, the Hon'ble Tribunal is duty bound to interpret and apply rules framed under the article 309. It can decide disputes about their implementation and resolve issues arising under the rules. It simply lacks the jurisdiction to test their validity and cannot act outside or against them either. Hence, the claim petition is not maintainable and has no legal substances and being devoid of any legal merit and same is liable to be dismissed with an exemplary cost at very one set.

5. Rejoinder Affidavit has been filed on behalf of the petitioners, reiterating the averments mentioned in the claim petition.

6. We have heard the arguments of the Learned Counsel for the petitioners, Learned APO and perused the documents placed before the Tribunal.

7. Learned Counsel for the petitioners argued that the petitioners applied against the vacancies of the Head Constables Intelligence cadre for year 2020-21 advertised on 22.01.2021 to be filled through Departmental Promotion Examination. Their departmental examination was conducted by the Uttarakhand Subordinate Service Selection Commission on 21/02/2021, the result was declared on 08/01/2022, they underwent training from 17/02/2022 which was completed on 6/10/2022. Their promotion and posting orders for the posts of Head Constables were issued on 6/10/2022.

7.1 Rule 27(d) of the Rule of 2018 provides that the service of the Head constables shall be calculated from starting PTC training period, which was on 17/2/2022, and they were selected against the vacancies of the year 2020-21, so their selection year is 2020-21.

7.2 Rules of 2018 were amended on 18th February 2019 and subsequently on 23rd November 2021. The promotion to the Head constable was made 100% by promotion rejecting the unfit. The seniority of the candidates was to be determined as per Uttarakhand Government Servants Seniority Rules, 2002 as amended from time to time. The service of the candidates selected for the post of the Head Constables shall be calculated from starting of PTC training.

7.3 These rules were further amended on 20th October 2022, the rules for the recruitment, promotion for Asst. Sub-inspector were incorporated. The feeder cadre for the post of the ASI is Head Constables, who have completed 2 years of service as Head Constables. The seniority of the Head Constables for the promotion was determined on the basis of rotation for the same selection year between the personnel appointed by the departmental promotion examination and seniority subject to rejection of unfit.

7.4 Private respondents were promoted vide order dated 21/09/2021 on the basis seniority subject to rejection of unfit after they underwent training from 14.06.2021 to 16.09.2021. The petitioners were selected on 08.01.2022 and they underwent training from 17.02.2022. But they were appointed against the vacancies of 2020-

21, so they should be given seniority for the year 2021 and their seniority should be decided with the promotees on rotation basis as per Rules , 2018.

7.5 The final seniority list dated 11/11/2022 should have the names of the petitioners also as it contains the names of the private respondents only. Based on the wrong determination of seniority, the private respondents have been given promotion on the newly created posts of the ASI on 10.02.2023, 19.06.2023 and 02.07.2024.

7.6 Learned counsel for the petitioner has relied on judgement of the Hon'ble High Court of Nainital in the writ petition (S/S) 1466 of 2911 in matter of Jagdish Ram vs. State of Uttarakhand & others in which the Hon'ble High Court allowed the writ petition with the direction to count the period of training for every purpose to save the increment. He has further cited the judgment of the Hon'ble High Court of Uttarakhand at Nainital passed in various writ petitions in which the recruitment year was counted for the seniority keeping in view the rota-quota between the direct recruits and promotees.

7.7 In view of the facts mentioned above and the judgments of the Hon'ble Court, the impugned seniority list dated 11.11.2022 and impugned order dated 29.11.2022 along with the promotion order dated 10.02.2023, 19.06.2023 and 02.07.2024 of the respondents are liable to be quashed .

8. Learned APO argued that the petitioners were promoted and undergone training w.e.f 17.02.2022 to 06.10.2022. Their promotion orders to the post of Head Constables and place of posting were issued on 06.10.2022, whereas the private respondents completed training on 16.09.2021 and they were promoted on the post of Head Constables on 21.09.2021, subsequent to their training. The selection year for the private respondents is 2021-22 whereas for the petitioners 2022-23. Schedule -6 of the Rule 24(a) lays down detailed procedure for departmental promotional exercise and at para-11 mentions that the promotions orders will be issued by the appointing authority after successful completion of basic and practical training by

the personnel. Similarly, Schedule 8 at para no. 6, in respect of the personnel selected on seniority subject to rejection of unfit, the promotion order was to be issued at head quarter level after completion of successful completion of basic and professional training. So, it is clear that in case of the personnel promoted based on the seniority as well as departmental examination, the promotion orders have been issued after completion of training. Their date of appointments on the post of Head Constables are different and their seniority will count based on the date of appointment which are in different recruitment year 2021-22 (in case of the private respondents) and 2022-23 (in case of the petitioners).

8.1 The Rules of 2018 were amended in 2019, 2021, and 2022. In the amended rules of 2021, promotion to the post of Head Constable was made 100% on the basis of seniority by rejecting the unfit from among the Constables. But the procedure given in Annexure-8 of Rule 24 that the promotion orders will be issued after completion of training has not been changed. In the amended Rules of 2022, Rule-27 was also amended to incorporate to determine the seniority of the head constable appointed by the departmental selection examination and promoted on the basis of seniority on the same selection year on rotation basis. The seniority of the petitioners has been decided on the basis of the Uttarakhand Govt. Servants Seniority Rules, 2002 from the date of their substantive appointment on the post of Head Constable. So the petitioners have been rightly given seniority of the selection year 2022-23. The claim petition is liable to be dismissed.

9. Based on the arguments of the parties and the documents placed before the Tribunal, it is clear that the vacancies for the promotion and the direct recruitment were notified in 2020-21. The respondents were selected for the posts of Head Constables under 50% quota for promotion on the basis of seniority subject to rejection of unfit.

10. The petitioners appeared in the Departmental Promotion Examination on 21.02.2021, they were selected vide notification dated 08.01.2022 (Annexure: 7), under went training vide order dated 02.02.2022 (Annexure: 8) from 17.02.2022 to 06.10.2022 and their promotion orders were issued on 06.10.2022 (Annexure: 10).

11. The respondents were appointed as Head Constables in the year 2021-22 and the petitioners in the year 2022-23. The respondent authorities prepared a seniority list of Head Constables on 11.11.2022 for the promotion to the post of the Asst Sub- Inspectors for which two years' service as a Head Constables was required. The respondent authority gave relaxation in residency period as per the Uttarakhand Government Servant Promotion Relaxation in Qualifying Service Rules 2010 as amended in year 2023 and considered the Head Constables promoted in the year 2021-22 for promotion in the year 2022-23 for the post of Assistant Sub inspector. The names of the petitioners have not been included in the seniority list as their date of promotion fell in the selection year 2022-23.

12. Rules of 2018 were amended in 2019, 2021 and 2022 . But the relevant rules related to the seniority and the recruitment which have bearing on this case, were amended in 2021 and 2022.

13. Rules of 2018 are clear on the point that the promotion to the post of Head Constables will be after completion of training in case of those promoted on the basis of seniority subject to rejection of unfit as well as on the basis of Departmental Promotion Examination. This is made amply clear in Appendix -6 and Appendix-8 of Rules 24(b) of Rules of 2018.

14. The Rules of 2021 made the promotion to the post of Head Constable on the basis of 100% seniority subject to rejection of unfit and the promotion on the basis of the departmental examination was abolished. Their promotion orders on the post of Head Constables were to be issued after completing training as per Appendix-8 of Rules 24(b).

15. This rule has been amended further in the year 2022 on 20th October, 2022 and para -6 of the Appendix-8 was amended and the selected constables for the post of the Head Constables are to be issued promotion orders and there after they shall undergo basic / practical training. These Rules have prospective effect and can not be made applicable to the petitioners. The judgements of the Hon'ble High Court of Nainital on which the learned counsel for the petitioner relies to substantiate the claim of the petitioner are also not applicable in this case as the facts of these cases are different from the present claim petition.

16. Learned Counsel for the petitioner has been stressing on the Rules of 2018 as well as Rules of 2021 *that the* Service of the candidate selected for the post of Head Constable through departmental exam/ promotion shall be calculated from starting of P.T.C. training period. Concerned portion of the rules are as under :

Rule 27(d) of the Rules of 2018 - Service of the candidate selected for the post of Head Constable through departmental exam/ promotion shall be calculated from starting of P.T.C. training period; and

Rule 27(c) of the Amended Rules of 2021 - Service of the candidate selected for the post of head Constable shall be calculated from starting of P.T.C. training period.

17. Similar matter has been decided by this Tribunal on 09.07.2025 in Claim Petition No. 94/DB/2023, Sanjay Singh Bisht and others vs. State of Uttarakhand and others.

18. The adjudication of the Rule 27(d) of the Rules of 2018 and Rule 27(c) of the Rules of 2021 to count the seniority from the date of the training is beyond the jurisdiction of the Tribunal, although the ambiguity in Rule 27 in respect of determination of seniority and Rule 24 in respect of issuance of the promotion order has been taken care in the Rules of 2022. The respondent department has correctly placed

the seniority of the petitioners as per the rules applicable to them at the relevant point of time. No interference is called for in the same.

19. Before parting with, it is clarified that the Tribunal has no locus to look into the vires of Statutory Rules, as has been observed by the Hon'ble High Court in WPSB No. 39/2020, Shyam Lal vs. State of Uttarakhand and others. The Tribunal has decided the petition on the basis of the Rules, as amended from time to time. Rule making power vests with the State Govt. The Tribunal has decided the matter on the basis of 'the Rules as they are' and not on the basis of 'the Rules, that could be' or 'ought to be'.

20. In view of the facts mentioned above and the arguments of the parties the Tribunal concludes that the impugned seniority list of the Head Constables dated 11.11.2022 need not be interfered. The impugned order dated 29.11.2022 along with the promotion orders dated 10.2.2022, 19.06.2023 and 02.07.2024 also need not be interfered.

21. The claim petition is liable to be dismissed.

ORDER

The claim petition is dismissed . No order to cost.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: MARCH 10, 2026
DEHRADUN

VM