

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

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Capt. Alok Shekhar Tiwari

-----Member (A)

REVIEW APPLICATION NO. 17/NB/DB/2025

(Arising out of the judgment dated 06.03.2025
in Claim Petition No. 67/NB/DB/2022)

1. State of Uttarakhand through Secretary, Ministry of Agriculture and Farmer Welfare, Uttarakhand Govt., State Secretariat, Dehradun.
2. Secretary, Personnel Department, Uttarakhand Govt., State Secretariat, Dehradun.
3. Director, Agriculture Department, Uttarakhand, Dehradun.

.....**Review Applicants/Respondents**

Vs.

1. Priyanka Singh, aged about 38 years, w/o Sri Bhupendra Kumar Singh, presently working as In-charge Chief Agriculture Officer, Almora.
2. Vinod Kumar Sharma, aged about 36 years, s/o Sri Ramesh Chandra Sharma, presently posted as Agriculture & Soil Conservation Officer, Badechhina, Almora.

..... **Respondents (Petitioner no. 1 & 2)**

3. Ms. Latika Singh, w/o Shri Vinay Chandra, Street no. 11, Rajendra Nagar, Dehradun, presently posted as Officiating Chief Agriculture Officer, Dehradun.
4. Vijay Deorari, s/o Shri B.D. Deorari, r/o VI/4, Officers Colony, Roshnabad, Haridwar, presently posted as Officiating Chief Agriculture Officer, Haridwar.

.....**Performa Respondents (Respondent no. 4 & 5)**

Present: Sri Kishore Kumar, A.P.O. for the State respondents(online)
(Review Applicants herein)

Sri S. C. Virmani, (online) & Sri S. K. Jain, Advocates
for the petitioner no. 1 (respondent herein)

Sri Amar Murti Shukla, Advocate
for the petitioner no. 2 (respondent herein) (online)

WITH

REVIEW APPLICATION NO. 09/DB/2025

(Arising out of the judgment dated 06.03.2025
in Claim Petition No. 91/DB/2022)

1. State of Uttarakhand through Secretary, Ministry of Agriculture and Farmer Welfare, Uttarakhand Govt., State Secretariat, Dehradun.
2. Secretary, Personal Department, Secretariat, Govt. of Uttarakhand, Dehradun.
3. Director, Agriculture Department, Uttarakhand, Dehradun.

..... **Review Applicants/Petitioners**

Vs.

Deepak Purohit (Male), aged about 36 years, S/o Sri Rakesh Chandra Purohit, presently posted as Agriculture and Soil Conservation Officer, Chakrata, Dehradun.

.....**Respondent**

1. Ms. Latika Singh, w/o Shri Vinay Chandra, Street no. 11, Rajendra Nagar, Dehradun, presently posted as Officiating Chief Agriculture Officer, Dehradun.
2. Vijay Deorari, s/o Shri B.D. Deorari, r/o VI/4, Officers Colony, Roshnabad, Haridwar, presently posted as Officiating Chief Agriculture Officer, Haridwar.

.....**Performa Respondents**

Present: Sri V. P. Devrani, A.P.O. for the State respondents

(Review Applicants herein)

Sri Amar Murti Shukla, Advocate
for the petitioner (respondent herein)

JUDGMENT

DATED: MARCH 18, 2026

Per: Capt. Alok Shekhar Tiwari, Member (A)

1. These review applications have been filed by the State of Uttarakhand and others against the impugned judgment dated 06.03.2025 passed by this Tribunal in the main Claim Petition Nos. 67/NB/DB/2022 Priyanka Singh and another Vs. The State of

Uttarakhand and others and 91/DB/2022 Deepak Purohit Vs. The State of Uttarakhand and others, showing that there has been error apparent in the impugned judgment on the face of latest landmark rulings on the subject given by the Hon'ble Apex Court, namely,:-

- (A) The State of Himachal Pradesh and others Vs. Rajkumar and others, (2023) 3 SCC, 773.
- (B) Civil Appeal No. 1882 of 2023 The State of Uttar Pradesh and others vs. Rachna Hills and others dated 27.04.2023
- &
- (C) Civil Appeal No. 7602 of 2023 (SLP (C) No. 730/2022) Ankita Thakur and others vs. The H. P. Staff Selection Commission and others dated 09.11.2023,

--- wherein, it has been clearly held that at any stage of employment, if a new set of rules of employment or promotion etc. is brought in, then the old set of rules cannot be emphasized upon by the aggrieved employees, as of right. According to the learned A.P.O., these landmark rulings have been overlooked by the Tribunal in its impugned judgment dated 06.03.2025 by holding that in this instant case the old set of rules must be adhered to by the respondents. Learned A.P.O. has emphatically pointed out the Paragraph-17 of the impugned judgment wherein the Tribunal held that the abovementioned landmark ruling does not apply in this instant matter. The learned A.P.O. also drew attention of Tribunal to the fact that nowhere have the petitioners challenged the legality of the promulgation of new set of rules, which ought to have been done before the appropriate legal forum. Without nullifying the new rules, the old rules cannot be applied in the present scenario.

2. The learned Counsels for the petitioners objected to the pleadings of the review application and emphasized that the aforesaid landmark ruling of the Hon'ble Apex Court must not be read in a vacuum, rather it would be tested against the genuineness of the intentions of the employer. They pointed out that the Hon'ble Apex Court has clearly spelt out that such a policy decision for application of the new set of rules cannot be arbitrary; rather it has to be a conscious policy decision of the employer. This is not so in the instant matter.

3. Learned Counsels for the petitioners also relied upon two latest rulings of the Hon'ble Apex Court on this matter, namely, Civil Appeal No. 2634 of 2013 Tej Prakash Pathak and others Vs. Rajasthan High Court and others dated 20.03.2013 and SLP (C) No. 22323 of 2023 Abhay Kumar Patel and others Vs. State of Bihar and others dated 06.01.2026 and emphasized that in these instant matters the Hon'ble Apex Court has held as follows:-

“41. Therefore, in the facts of this case, the finding of the High Court that the amendment was merely a policy decision and could be applied retrospectively to the selection process in vogue is completely erroneous. Even assuming that the 2022 Amendment Rules are policy decisions of the State, they cannot be implemented in a manner that violates the fundamental right to equality under Article 14 and 16 of the Constitution of India by changing the selection criteria after the selection process has already begun.

42. In view of the discussions made above, in our considered opinion, the retrospective application of Rule 8(5) of the 2019 Rules, as introduced by the 2022 Amendment Rules, cannot be sustained insofar as the recruitment process initiated vide the 2019 Advertisements

following the 2019 Rules prevalent at the said point of time.

43. In view of the above, the irresistible conclusion that can be drawn in the facts of the present case is that the selection process pursuant the 2019 Advertisements must be finalized in accordance with the 2019 Rules as they existed on the date of the advertisements, i.e., without taking into account the 2022 Amendment Rules by which the weightage and age relaxation for contractual experience was introduced. As such, the final merit list shall be drawn and appointments shall be made, completing the process within 2 months' from the date of this judgment.

44. Consequently, the impugned judgment and order dated 05.07.2023 passed by the High Court of Judicature at Patna in CWJC No. 18302 of 2022 is set aside. The appeal is allowed. The respondents are directed to finalize the appointments based on the merit lists published in June/July 2022, strictly following the unamended 2019 Rules.

45. It has been informed that the State has made appointments pursuant to the impugned judgment of the High Court which stands set-aside, however, their services may be dispensed with, in accordance with law. We also make it clear that the directions as issued shall not have any adverse impact if the State of Bihar wishes 30 to continue the services of the persons appointed as above, if they are deemed fit, on the vacancies available, if any, or by creating supernumerary posts without affecting the merit list as indicated above."

4. The Tribunal has gone through the pleadings of the review application thoroughly and has reached the conclusion that there are no new facts or points of law presented before this Tribunal in the form of the instant review applications, which were not argued earlier or which could be considered as sufficient ground to conclude that this Tribunal had made an error apparent on the face of law or reported rulings. So much so that the paragraph-17 of the judgment has very categorically manifested that it would be against the natural

justice if the new set of rules is applied in this instant matter, because the intent of the respondents smacks of an utter haste and arbitrariness without making a conscious and judicious application of mind, while insisting upon application of new set of rules. Further, it is very important to note here that the actual cause of action had arisen in this instant matter when the Hon'ble Minister wrote a letter of intent to the concerned Secretary of the Government directing him to defer the promotional exercise already set in motion long back, and which had almost been finalized in accordance with the existing old rules, therefore, there was no need for the petitioners to agitate a legal forum for nullifying the new set of rules under question as alleged by the Ld. A.P.O. during his arguments, and the learned Counsels for the petitioners are not off the mark in relying upon the recent rulings, viz., Civil Appeal No. 2634 of 2013 Tej Prakash Pathak and others Vs. Rajasthan High Court and others and Abhay Kumar Patel and others Vs. State of Bihar and others.

5. An in depth perusal of the review applications reveals that the review applications lack substance and deserve to be dismissed.

ORDER

Accordingly, these review applications are, hereby dismissed.
No order as to costs.

CAPT. ALOK SHEKHAR TIWARI
MEMBER (A)

RAJENDRA SINGH
ACTING CHAIRMAN

DATED: MARCH 18, 2026
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