

**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.147/DB/2023**

1. Vinod Kumar Sharma (Male), aged about 19 years, S/o Sri Ramesh Chandra Sharma, Presently posted as Agriculture and Soil Conservation Officer, Barichhina, Almora.
2. Deepak Purohit (Male), Aged about 39 years, S/o Shri Ramesh Chandra Purohit, Presently attached (because of he has been suspended on 14.10.2022) to the office of Additional Director Agriculture, Garhwal Mandal Pauri, District Pauri Garhwal.

**.....Petitioners**

**Versus**

1. State of Uttarakhand through Secretary Ministry of Agriculture & Farmer Welfare, Uttarakhand, Government, State Secretariat, Dehradun.
2. Director Agriculture Department, Uttarakhand, Dehradun.
3. Shri Gopal Singh Bhandari S/o not known, presently posted as Chief Agriculture Officer, Champawat, District Champawat.
4. Shri Jai Prakash Tiwari S/o not known, presently posted as Chief Agriculture Officer, Uttarkashi, District Uttarkashi.
5. Shri Vijay Deorari S/o Shri B.D. Deorari, presently posted as Chief Agriculture Officer, Haridwar, District Haridwar.
6. Smt. Latika Singh W/o Shri Vinay Chandra, presently posted as Chief Agriculture Officer, Dehradun, District Dehradun.
7. Shri Vinay Kumar S/o not known, presently posted as Deputy Director Agriculture Directorate, Dehradun, District Dehradun.
8. Smt. Priyanka Singh W/o Shri Bhupendra Kumar Singh, presently posted as Assistant Director Agriculture Directorate, Dehradun, District Dehradun.
9. Shri Vijay Prakash Maurya S/o not known, presently posted as Chief Agriculture Officer, Chamoli, District Chamoli.
10. Smt. Santoshi W/o not known, presently posted as Plant Protection Officer, Nainital, District Nainital.
11. Shri Surendra Kumar S/o not known, presently posted as Assistant Director Agriculture Directorate, Dehradun, District Dehradun.

12. Shri Arvind Kuma: Gautam S/o not known, presently posted as Agriculture & Soil Conservation Officer, Chakrata, Dehradun, District Dehradun.
13. Shri Amrendra Kumar S/o not known, presently posted as Chief Agriculture Officer, Pauri, District Pauri Garhwal.
14. Smt. Reetu Kukreti W/o not known, presently posted as Agriculture & Soil Conservation Officer, Bhimtal, District Nainital.
15. Smt. Vidhi Upadhyaya W/o not known, presently posted as Plant Protection Officer, Rudrapur, District Udham Singh Nagar.
16. Smt. Abhilasha Bhatt W/o not known, presently posted as Agriculture & Soil Conservation Officer, Narendra Nagar, District Tehri Garhwal.
17. Shri Lokendra Bisht S/o not known, presently posted as Agriculture & Soil Conservation Officer, Rudraprayag, Dehradun, District Rudraprayag.
18. Shri Nitesh Kumar Pujari S/o not known, presently posted as Agriculture & Soil Conservation Officer, Ranikhet, District Almora.
19. Shri Amit Kumar S/o not known, presently posted as Agriculture & Soil Conservation Officer, Rudrapur, District Udham Singh Nagar.
20. Shri Ashwani Kumar Gautam S/o not known, presently posted as Agriculture & Soil Conservation Officer, Pabho, District Pauri Garhwal.
21. Shri Ram Kumar Dohare S/o not known, presently posted as Agriculture & Soil Conservation Officer, Gopeshwar, District Chamoli.
22. Shri Dheeraj Singh S/o not known, presently posted as Agriculture & Soil Conservation Officer, Haldwani, District Nainital.
23. Shri Asha Ram Verma S/o not known, presently posted as Agriculture & Soil Conservation Officer, Sahaspur, District Dehradun.
24. Shri Bhagwan Das S/o not known, presently posted as Agriculture & Soil Conservation Officer, Chamba, District Tehri Garhwal.
25. Shri Sugar Singh Verma S/o not known, presently posted as Assistant Director Agriculture Directorate Dehradun, District Dehradun.
26. Smt. Kiran Rana W/o not known, presently posted as Agriculture & Soil Conservation Officer, Almora, District Almora.
27. Shri Shashi Kamal S/o not known, presently posted as Agriculture & Soil Conservation Officer, Kashipur, District Udham Singh Nagar.
28. Shri Raj Dev Panwar S/o not known, presently posted as Agriculture & Soil Conservation Officer, Raipur, District Dehradun.
29. Shri Rajendra Upreti S/o not known, presently posted as Assistant Director Joint Director Agriculture Office, Haldwani, District Nainital.
30. Shri Sachin Kumar S/o not known, presently posted as Agriculture & Soil Conservation Officer, Uttarkashi, District Uttarkashi.
31. Shri Navin Chandra Joshi S/o not known, presently posted as Plant Protection Officer Bageshwar, District Bageshwar.
32. Shri Somansh Kumar S/o not known, presently posted as Agriculture & Soil Conservation Officer, Haridwar, District Haridwar.
33. Shri Kalyan Singh S/o not known, presently posted as Agriculture & Soil Conservation Officer, Satpuli, District Pauri Garhwal.

34. Shri Ram Naresh S/o not known, presently posted as Agriculture & Soil Conservation Officer, Badkot, District Uttarkashi.
35. Shri Narayan Singh S/o not known, presently posted as Agriculture & Soil Conservation Officer, Dhari, District Nainital.
36. Smt. Ritu Tamta W/o not known, presently posted as In-charge Chief Agriculture Officer, Pithoragarh, District Pithoragarh.
37. Smt. Puja Samant W/o not known, presently posted as Agriculture & Soil Conservation Officer, Pithoragarh, District Pithoragarh.
38. Shri Ashok Giri S/o not known, presently posted as Assistant Director Directorate of Agriculture, Dehradun, District Dehradun.
39. Shri Rohit Bisht S/o not known, presently posted as Assistant Director, Horticulture, Directorate, Dehradun.
40. Shri Pravendra Kumar S/o not known, presently posted as Plant Protection Officer, Tehri Garhwal.
41. Geetanjali Bangari W/o not known, presently posted as Agriculture & Soil Conservation Officer, Bageshwar, District Bageshwar.
42. Shri Himanshu Joshi S/o not known, presently posted as Agriculture & Soil Conservation Officer, Lohatghaat, District Champawat.
43. Mohd. Tahri S/o not known, presently posted as Assistant Director Soil Testing Laboratory, Rudrapur, District Udham Singh Nagar.
44. Shri Anand Goswami S/o not known, presently posted as Plant Protection Officer, Almora, District Almora.
45. Smt. Shashibala Juyal w/o not known, presently posted as Plant Protection Officer, Dehradun, District Dehradun.
46. Shri Vipin Kumar Singh S/o not known, presently posted as Agriculture & Soil Conservation Officer, Bhikiyasain, District Almora.
47. Smt. Divya Joshi W/o not known, presently posted as Assistant Director Regional Soil Testing Lab, Srinagar, District Pauri Garhwal.
48. Shri Panchdev Joshi S/o not known, presently posted as Assistant Engineer, Project Director Officer, Water Shed Department, Haldwani, District Nainital.
49. Shri Harish Chandra Bhardwaj S/o not known, presently posted as Agriculture & Soil Conservation Officer, Keerti Nagar, District Tehri Garhwal.
50. Shri Arvind Bhatt S/o not known, presently posted as Agriculture & Soil Conservation Officer, Kotdwar, District Pauri Garhwal.

**.....Respondents**

Present: Sri Vinod Kumar Sharma, petitioner, along with  
 Sri Amar Murti Shukla, Advocate (*online*), for the petitioners.  
 Sri V.P.Devrani, A.P.O., for the Respondents No. 1 & 2. (*online*)  
 Sri Abhishek Pant Advocate, holding brief of  
 Sri M.C.Pant, Advocate, for Respondents No. 5 & 6.  
 Sri S.K.Jain, Advocates, for Respondent No.8. (*online*)

**JUDGMENT**

**DATED: APRIL 08 , 2026**

**Sri Arun Singh Rawat, Vice Chairman (A)**

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

“(i). Issue an order or direction quashing the impugned office order No.5227E-16939/XIII-1/2022-03 (14) 2021 Dehradun dated 25.07.2022/final seniority list issued by respondent no.1 (contained as Annexure No.1 to the writ petition) and all other consequential action taken pursuant to the final seniority list dated 25.07.2022.;

(ii). Issue any suitable order or direction, which this Hon’ble Tribunal may deem fit and proper on the basis of the facts and circumstance of the case.”

2. The present matter pertains to the grievances raised by the petitioners regarding denial of fair consideration for promotion and improper fixation of seniority following subsequent amendments in the service rules, governing the Uttarakhand Agriculture Services.

3. The petitioners completed their B.Tech in Agricultural Engineering from G.B. Pant University of Agriculture & Technology, Pantnagar in the year 2005. They were selected through the Uttarakhand Public Service Commission in the Combined State Civil/Upper Subordinate Services Examination, 2010, for appointment in Uttarakhand Agricultural Services Class-2, Section ‘D’ (Engineering Branch).

4. Pursuant to the recommendation of the Public Service Commission, the petitioners were appointed in the year 2015 in the pay scale of Rs. 15600–39100 with Grade Pay of Rs. 5400/-. After completing their probation period of two years they have since been discharging their duties as Agriculture and Soil Conservation Officers.

5. A final seniority list of Class-2 Engineering Branch officers was issued by the State Government on 16.11.2020, wherein petitioner no. 1 and petitioner no. 2 were placed at serial nos. 19 and 20

respectively. However, most of the officers placed above them had either been promoted, retired, or otherwise relieved, resultantly, the petitioners are placed at the top of the list of eligible officers for promotion within their branch.

6. During the year 2020, the State Government issued directions through various Government Orders emphasizing the need to fill vacant promotional posts expeditiously. Notably, by Government Order dated 05.09.2012, it had already been directed that reservation in promotion would not be applicable. Subsequently, orders dated 18.03.2020, 11.05.2020, and 31.08.2020 reiterated the requirement to complete pending promotional exercises within a stipulated timeframe.

7. In furtherance of these directions, the Director of Agriculture, vide communication dated 21.11.2020, submitted a proposal for promotion to the posts of Deputy Director/Chief Agriculture Officer. It was identified that out of 18 sanctioned posts, 7 were vacant, including 2 vacancies in the Engineering Branch. The names of eligible officers, including the petitioners, were forwarded for consideration by the Departmental Promotion Committee (DPC). A DPC meeting was accordingly scheduled to be held on 19.01.2021.

8. However, immediately prior to the scheduled DPC meeting, certain representations were made by officers of another branch seeking restructuring of the cadre into a "single window system." Acting upon such representations, the Hon'ble Minister for Agriculture directed that the proposal for restructuring be placed before the Cabinet and that, in the meantime, the promotional process be kept in abeyance. Consequently, the DPC meeting scheduled for 19.01.2021 was postponed indefinitely.

9. Subsequently, the State Government introduced amendments to the Uttarakhand Agriculture Group 'A' and Group 'B' Service Rules in December 2021. By virtue of these amendments, the earlier system of branch-wise promotions was abolished, and the distinct branches at the Class-2 level were merged into a unified cadre, which altered the service structure and adversely affected the

promotional prospects of the petitioners, who were then senior-most in their branch.

10. Following these amendments, a combined tentative seniority list of Class-2 officers was issued on 12.04.2022, wherein petitioner no. 1 and petitioner no. 2 were placed at serial nos. 16 and 17 respectively. The said list was made subject to the outcome of certain pending writ petitions before the Hon'ble High Court. Objections were invited from concerned officers within the prescribed time.

11. The petitioners duly submitted their detailed objections against the tentative seniority list within the stipulated period, highlighting the inconsistencies and adverse consequences arising from the revised seniority position. However, the authorities failed to consider or adjudicate upon the objections raised by the petitioners in a reasoned manner.

12. Thereafter, vide order dated 25.07.2022, the final seniority list was issued, wherein the positions of the petitioners remained unchanged at serial nos. 16 and 17. The said final list was issued without addressing or deciding the objections submitted by the petitioners, thereby violating the principles of natural justice.

13. The seniority list, which has been challenged by the petitioners in present claim petition, as per record, was subject to the decision in the WPSB No. 93/2021. This writ petition was transferred to the Tribunal and registered as Claim Petition No. 91/DB/2022. The Tribunal decided the same vide order dated 31.08.2022. The relevant paragraphs of the judgment dated 31.08.2022 read as under:

“24. On 21.11.2020, proposal was sent for holding D.P.C. The letter was sent on 29.12.2020 fixing 19.01.2021 for holding D.P.C. Sri Vijay Deorari, intervener moved a representation on 31.12.2020. Vacancy in case of Mrs. Priyanka Singh, 1<sup>st</sup> petitioner, is of the year 2020-21. Vacancy in case of Sri Vinod Kumar Sharma, 2<sup>nd</sup> petitioner, is of the year 2015-16 and vacancy in case of Sri Deepak Purohit, petitioner is of the year 2018-19. Since these vacancies of Deputy Director/ Chief Agriculture Officer arose in the year 2015-16, 2018-19 and 2020-21, i.e. prior to coming into force of Rules of 2021 on 10.12.2021, therefore, these vacancies arising

before the notification of new Rules, should be filled up according to the Rules of 1992.

25. In view of the aforesaid, this Tribunal comes to the conclusion that the present petition is squarely covered by the decisions rendered by Hon'ble Supreme Court in *Y.V. Rangaiah and others vs. J.Sreenivasa Rao and others ; State of Rajasthan vs. R. Dayal and others; State of Punjab and others vs. Arun Kumar Aggarwal and others; B.L.Gupta and another vs. M.C.D. (supra)* and other decisions quoted in the body of this judgment, therefore, the petition should be decided in terms of the aforesaid decisions.

26. We, accordingly, dispose of the petitions by directing the respondents to consider promotion of the petitioners, if they are found suitable, as per the Rules prevalent before the amendment that came into force on 10.12.2021. In the circumstances, no order as to costs."

14. In the light of the categorical findings recorded by this Hon'ble Tribunal in the above noted paragraphs of the judgment dated 31.08.2022, it is evident that the vacancies in question arose prior to the enforcement of the amended Rules of 2021 and, therefore, are governed by the unamended Rules of 1992. The Tribunal has clearly held that the claim of the petitioners is squarely covered by settled principles of law laid down by the Hon'ble Supreme Court that vacancies occurring prior to amendment of service rules must be filled in accordance with the rules then in force. Therefore, the impugned seniority list loses its validity and does not exist as per the order of the Tribunal.

15. In view of the above, present claim petition, has been rendered infructuous.

The claim petition is dismissed as infructuous.

**(RAJENDRA SINGH)**  
ACTING CHAIRMAN

**(ARUN SINGH RAWAT)**  
VICE CHAIRMAN (A)

*DATE: APRIL 08, 2026.*  
*DEHRADUN*

*VM*