ORDER

IN

CLAIM PETITION NO. 96/DB/2026, CHARAN SINGH PANWAR VS. STATE AND OTHERS

Dated: 17.09.2026

Present: Ms. Ketki Chhaya Chaudhary, Advocate, for the petitioner
Sri V.P. Devrani, A.P.O., for the respondent no.1

This claim petition has been filed seeking the following reliefs:

(i) To direct the Respondents to promote the Petitioner from the post of Herbal Assistant against the available/vacant promotional posts as mentioned in proposal no. 4 (Annexure A-2) of the District Medicinal Cooperative Society Ltd., Chamoli, in accordance with the applicable Service Rules, his qualification, experience and seniority, by extending to him parity with similarly situated employee Shri Surendra Singh Negi, whose promotion from Herbal Assistant to Junior Clerk was approved vide order dated 10.10.2021 (Annexure A-5), and to grant the Petitioner all consequential service benefits including appropriate fixation of pay and seniority from the date he became entitled to such promotion, in accordance with law.

(ii) Any other order or direction the Hon'ble Court may deem appropriate.

Learned A.P.O. objected to the maintainability of the claim petition, *inter alia*, on the ground that:

(i) The claim petition is time barred as the petitioner is claiming parity with the employee, who was promoted on 10.10.2021.

(ii) Petitioner has not provided any Promotion Rules of the concerned department.

(iii) Petitioner has not provided any seniority list to show that he was senior to Sri Surendra Singh Negi, against whom he is claiming parity.

(iv) Petitioner cannot claim promotion as a matter of right.

Learned Counsel for the petitioner submits the petitioner is a regularised employee of the District Medicinal Cooperative Society Ltd. and is working as Herbal Assistant since 1997. The petitioner claims promotion on the vacant promotional post in the Society on the ground that one similarly situated person namely Sri Surendra Singh Negi has been promoted from the post of Herbal Assistant to Junior Clerk on 10.10.2021.

Learned A.P.O. submitted that no cause of action arises for the petitioner to claim promotion as a matter of right. Moreover, the petitioner has not annexed any Rules framed for procedure of promotion in the Society.

The Tribunal observes that the petitioner has claimed parity against Sri Surendra Singh Negi, who was promoted on 10.10.2021. Petitioner has prayed for directing respondent to promote petitioner as per applicable Rules. Since the employer of the petitioner is a Society and the petitioner has not annexed prevalent Rules which govern the procedure for promotion in the Society. So, the petitioner cannot claim promotion as a matter of right.

In view of the above, the claim petition is dismissed at the admission stage in terms of the above.

(A.S. RAWAT) **(RAJENDRA SINGH)**
VICE CHAIRMAN(A) ACTING CHAIRMAN
RS