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. 17/DB/2025

1. Vikas Rawat, S/o Late Sh. Khyat Singh Rawat, presently posted as Sub Inspector (Civil Police), Police Station Sahaspur, Dehradun.
2. Vijay Prasad S/o Shri Janardan Prasad, Sub Inspector presently posted at SDRF Battalion, Jollygrant, Dehradun.
3. Puneet Kumar Danosi S/o late Shri Ramchandra, Sub Inspector presently posted at Police Station- Bhagwanpur, Haridwar,
4. Gurpreet Kaur D/o Sh. Gurnam Singh, presently posted as Sub Inspector (Civil Police), PTC Narender Nagar, Tehri Garhwal.
5. Kuldeep Singh Adhikari S/o Shri Diwan Singh, presently posted as Sub Inspector (Civil Police) Anti Corruption Branch, CBI Dehradun.
6. Ritu Raj Singh aged about 39 Years, S/o Late Sh. Chain Singh, presently posted as Sub Inspector (Civil Police), SOG District Haridwar, Uttarakhand.
7. Anuj Singh S/o late Shri Dinesh Singh, presently posted as Sub Inspector (Civil Police) Police Station- GRP, Haridwar,

8. Nirmal D/o Late Shri Bhawani Dutt Bhatt presently posted as Sub Inspector (Civil Police) Cyber cell, police office, Dehradun.
9. Vicky Tamta S/o Shri Jai Kishan, presently posted as Sub Inspector (Civil Police), kotwali city, Dehradun.
10. Baldev singh S/o Shri Chatar Singh, presently posted as Sub Inspector (Civil Police) police office, Dehradun.

……Petitioner

versus

1. State of Uttarakhand through Additional Chief Secretary, Home, Secretariat, Dehradun.

2. Director General of Police, Police Head Quarters, Uttarakhand, 12 Subhash Road, Dehradun – 248001

3. Arvind Kumar S/o Sh. Suresh Pal Singh, Sub Inspector Presently Posted at District Pauri garhwal through SSP Pauri Garhwal and 178 other private respondents.

…….. Respondents

Present: Sri Deepak Singh, Advocate, for the petitioner
Sri V.P. Devrani, A.P.O., for the respondents No. 1 & 2
Sri Uttam Singh, Advocate, for private respondents

Judgement

Dated: 17th November, 2026

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

> "(i) To quash the Final Seniority List dated 16.12.2024 and to redraw a Fresh Seniority List by way of placing Petitioners in rotation with 63 Direct Recruitees and 116 Ranker Sub Inspectors Respondents, in the ratio as prescribed by the Rules 8(3) (2) of

Seniority Rules 2002 amended in 2024 by way of counting seniority of petitioner's w.e.f 01.06.2006 which should be considered as Petitioners substantive date of appointment and to declare the Petitioners Selection Year to be 2008 – 2009.

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

(iii) Award costs to the petitioners."

2. Brief facts, giving rise to present claim petition, are as follows:

2.1. Posts of Sub Inspector were published for the selection year 2008 – 2009 vide advertisement dated 16.09.2008 and accordingly, petitioners applied for the post of Sub Inspector and their exam was conducted 01.02.2009. The result of the exam was duly declared on 22.05.2009 through Newspaper publication dated 23.05.2009. The candidates have been selected for the selection year 2008–2009. The selected candidates were directed to report for PTC Training on 01.06.2009 in Police Training academy Moradabad. After successfully completing their training of 8 months, the respondent Department issued the appointment letter dated 22.02.2010 to all the Petitioners. Respondent Department should have issued the appointment Letter on 01.06.2009 itself, however even if the appointment letter was issued on 22.02.2010 even then the Training period is counted in the length of service and accordingly the date of substantive appointment of Petitioners is 01.06.2009, the day on which Petitioners reported and commenced their training. The modified assured career progression benefit was granted to the petitioners after successful completion of 10 years' service and this benefit was granted to the Petitioner w.e.f. 01.06.2009 itself and was granted vide order dated 20.07.2019 & 05.09.2019.

2.2. For the selection year 2008 – 2009 there are three batches who were appointed as Sub Inspectors and the same are as follows:

Source of recruitment	Batch Number	Number of Sub Inspectors – Civil Police	Date of start of PTC Training	Year of PTC Training/ Selection Year
Direct recruitment Batch 1	1	64	01.07.2008	2008-09
Rankers i.e. Through Department Exams	2	127	07.11.2008	2008-09
Petitioners also Direct Recruitment	3	92	01.06.2009	2008-09

2.3. A Tentative seniority list dated 18.02.2019 of 602 Sub Inspectors upto the batch of 2010 to 2011 was issued. Petitioners' seniority commenced at serial no. 357 in that list and although the selection year was rightly mention as 2008-09, but the date of appointment was wrongly mentioned as 22.02.2010. In fact in this tentative seniority list dated 18.02.2019 the Sub Inspectors of batch No.1 & 2 i.e. 64 Direct Sub Inspectors and 127 Ranker Sub Inspectors were placed at seniority No. 165 to 355 and were marked selection year 2007-08, which was incorrect and 92 Petitioners batch of sub Inspectors were placed at Serial no. 357 with selection year being 2008-09 but were kept in rotation with sub Inspectors of the year 2009-10.

2.4. Petitioners had filed an objection letter dated 27.02.2019 & 28.02.2019 to the following effect:

(i) The Petitioner had commenced their training on 01.06.2009, therefore their Selection year and PTC training year has been rightly marked as 2008-09, but their date of appointment has

been wrongly mentioned as 22.02.2010, whereas the same should be 01.06.2009.

(ii) Sub Inspectors who were rankers commencing at serial no. 355, were wrongly placed with Petitioners in rotation as these ranker Sub Inspectors had commenced their PTC training on 19.12.2009, therefore their PTC Training year should be 2009-2010 and they had wrongly kept in rotation with Petitioners in seniority as Petitioners PTC training year is 2008-2009.

(iii) Since the sub Inspectors at seniority No. 165 to 355 had been wrongly marked under selection year 2007-08 and their correct year is 2008-09, therefore Petitioners should be placed in seniority with these Sub Inspectors under rotation as all three batches of Sub Inspectors i.e. 64, 127 and 92 had same selection year i.e. 2008 – 2009 and same PTC training Year i.e. 2008 – 2009.

2.5. Vide Letter dated 30.07.2020 of Inspector General, Police Head Quarter cancelled the Tentative Seniority List dated 18.02.2019 on the basis of Government G.O. 22.07.2020. However, this Letter dated 30.07.2020 clearly states that Uttarakhand Police Sub Inspector and Inspector (Civil Police/ LIU) Service Rules 2018 which was issued on 31.07.2018, as well amended Rules 2019 will not be applicable upon directly recruited Sub Inspectors prior to 31.07.2018. The applicable Rules in case of Petitioner's is Uttarakhand Government Servants Seniority Rules, 2002 (hereinafter referred to as "2002 Rules") and Rule 3 of these 2002 rules clearly states that these rules will have overriding effect on any other Rules.

2.6. Thereafter, Respondent No.2 issued another Tentative Seniority List dated 30.07.2020 but of only 156 Sub Inspectors of selection year 2007 – 2008. In fact the Petitioners herein had also filed their Objection Letter dated 27.08.2020 against this Tentative

Seniority List dated 30.07.2020, clearly raising objection that as to why Tentative Seniority List of only 156 Sub Inspectors till selection year 2007-2008 has been issued and why the seniority List of Petitioners who were recruited for selection year 2008-09 has not been issued. Thereafter yet another Tentative Seniority List dated 19.10.2024 was issued for the PTC year 2008-09 and in this seniority List 63 Sub Inspectors of Direct Batch and 116 Ranker Sub Inspectors were included and their Selection/PTC Year was corrected from 2007-08 to 2008-09 and 92 Petitioners were deliberately not included in this seniority List. However, Petitioner filed objection against this Tentative Seniority List dated 19.10.2024 and raised the following objection vide Objection Letter dated 26.10.2024 & 26.10.2024:

(a) In terms of judgment dated 03.07.2013 in Writ Petition No. 1466/SS/2011 as well as in terms of Government order 375/XX-7/2015-11(276)/2011 dated 31.03.2015 as well as PHQ order dated 01.04.2015 and Letter dated 28.08.2018 of IG PHQ, it has been categorically mentioned that the seniority of all employees of Uttarakhand Police will be counted from the date of commencement of PTC Training and it was in continuance of the same that under Rule 21 (2GHA) of 2018 Rules/2024 amended Rules, Sub Inspector either promoted or recruited directly shall have the seniority from the date of commencement of the PTC training

2.7. As a matter of fact, the word used in Rule 21 (2GHA) of 2018 Rules/2024 amended Rules is “commencement of Training” and it does not say anything about completion of Training. Since, the Petitioners PTC training commenced from 01.06.2009, therefore Petitioners PTC Training Year as well as the selection year is 2008-09. However, the above objection of the Petitioner was illegally rejected by stating that there is no such Provision under Uttarakhand Police Sub Inspector and Inspector (Civil Police/ LIU) Service Rules 2018 as amended from time to time, to grant seniority

from the date of commencement of PTC Training. However, Rule 21 (2) (Gha) of 2018 and as amended 2024 Rules clearly states that The service of the candidate selected for the post of Sub Inspector, will be counted from the beginning of their PTC training period.

2.8. On the one hand Respondent Department and government is taking a stand that there is no such Provision under Uttarakhand Police Sub Inspector and Inspector (Civil Police/ LIU) Service Rules 2018 as amended from time to time, to grant seniority from the date of commencement of PTC Training, whereas contrary to the same the Respondent Department and Government had given appointment order dated 08.11.2002 on the post of Sub Inspector (2002 – 2003) batch before even going on PTC Training on 10.11.2002 and Petitioner reserves the right to file all relevant documents qua the same. A final Seniority List dated 16.12.2024 of Sub Inspectors was issued, which has been challenged under the instant Claim Petition. In fact under this Final Seniority List dated 16.12.2024 the objections raised by the Petitioner has been wrongly addressed by Respondent Department by way of stating that “Uttarakhand Police Sub Inspector and Inspector (Civil Police/ LIU) Service (Amended) Rules 2024 are applicable.

2.9. The above rejection of the objections of the Petitioner is not legally correct due to the following reasons:

(i) Rule 21 (2) (Gha) of 2018 and as amended 2024 Rules uses the word “**commencement** of Training” and it doesnot mentions anything about counting the seniority from completion of Training. In fact the Respondents are counting the Seniority of the Petitioners from the date of completion of Training and therefore Respondent No.1 & 2 are considering Petitioners Selection Year as 2009 – 2010. However, the Rule is very clear that the seniority has to be counted from

commencement of Training, which is 01.06.2009, therefore the Petitioners Selection year has to be 2008 -2009.

(ii) Petitioners have undergone training w.e.f 01.06.2009 and falls under training session 2008-09 because every Training/Recruitment year commences on 1st July and ends on 30th June of next year. Therefore, as Petitioners training commenced on 01.06.2009 which falls under the training year of 2008-09 and Respondents have also done their training w.e.f 01.07.2008 and 07.11.2008 which also falls under the Training Year 2008-09, therefore Respondent's Training Session is also 2008-09 and accordingly Petitioners should have been placed in rotation with Respondents. Hence the Training Session of Petitioners and Respondents is of the same year i.e. 2008-09, therefore the reasoning given by the Department for rejecting the objections of the Petitioner by quoting Rule 21 (2) (ग) of Uttarakhand Police Inspector & Sub Inspector (Civil Police/LIU) Service Rules 2018 is not justified.

(iii) Rule 21 (4) of Uttarakhand Police Inspector & Sub Inspector (Civil Police/LIU) Amendment Service Rules 2024 itself mentions that the seniority of all the Sub Inspectors will be calculated from the date of commencement of their Training Period and since the Petitioners Training commenced on 01.06.2009, therefore Petitioners Training Period and recruitment year both are 2008-2009 and Rule 21 (2) (ग) of Uttarakhand Police Inspector & Sub Inspector (Civil Police/LIU) Service Rules 2018 are not applicable in the case of the Petitioners.

(iv) In accordance with Rule 21 (4) of Uttarakhand Police Inspector & Sub Inspector (Civil Police/LIU) Amendment Service Rules 2024, as the seniority of the Petitioners have to be counted from the date of commencement of Training,

therefore the substantive date of appointment of Petitioners should be 01.06.2009 and not the date of said appointment Letter dated 22.02.2010.

(v) The result declared of the Petitioners in newspaper as well as in appointment Letter, also mentions that the selection year of the Petitioners is 2008-2009, therefore petitioners, who are also 92 direct Recruitee's for the same selection year of 2008-09, have been wrongly excluded from seniority with other 63 direct recruitee's and 116 Ranker's Respondents and petitioners have been wrongly placed in rotation with Sub Inspectors of Selection Year 2009-2010.

(vi) In the tentative Seniority List dated 18.02.2019, the Petitioners Selection and Training Year was rightly mentioned as 2008 -09 but were wrongly placed with Sub Inspectors of 2009-2010 batch.

(vii) Rule 21 (3) Uttarakhand Police Inspector & Sub Inspector (Civil Police/LIU) Amendment Service Rules 2024 says if any ambiguities arise in that case the same will be resolved as per Uttarakhand Government Servant Seniority Rules, 2002.

(viii) In the case in hand, there are three batches of recruitment in the same selection year of 2008-09 and 63 sub Inspectors under direct recruitment have been rightly placed with 116 ranker sub inspectors Respondents in rotation, but petitioners who are also 92 direct Recuitee's for the same selection year 2008 - 2009 have been wrongly excluded from seniority by not placing them in rotation with other 63 direct recruitee's and 116 Ranker's Respondents in violation of this Rule 8 (3)(2) of Uttarakhand Government Seniority Rules, 2002 as amended in 2024.

(ix) Under Rule 8 (3) (2) of Uttarakhand Government Servant Seniority Rules 2002, it has been clearly mentioned that the

criteria for fixing the Seniority is Selection year and not Training Year. Therefore, it is beyond dispute that the selection year of the Petitioners is 2008-2009 which is clearly evident from the Result declared and other relevant documents. Also the appointment Letter dated 22.02.2010, the selection year has been marked as 2008-2009. Hence, in accordance with Rule 8 (3) (2) of 2002 Rules, the Petitioners have to be kept in rotation with 63 Direct Recruited Sub Inspectors and 116 Ranker Respondents. As a matter of fact the Uttarakhand Government Servant Seniority Rules, 2002 were amended on 26.04.2024 whereby Rule 8 (3) was amended to the effect that word “Selection/ Chayan” was replaced with word “Selection Year/Chayan varsh” which further demonstrates that the selection year for Petitioners has to be 2008 – 09 only and not 2009 – 2010, as petitioners date of joining the PTC training is 01.06.2009, which falls under the selection year 2008 – 2009.

(x) Modified assured career progression benefit was granted to the petitioners after successful completion of 10 years’ service and this benefit was granted to the Petitioner w.e.f 01.06.2009 itself and was granted vide order dated 20.07.2019 & 05.09.2019 and this demonstrates that the date of substantive appointment of the Petitioners is 01.06.2009 and not 22.02.2010. Therefore, Respondent Department cannot take two contrary stands for the same employee’s and exclusion of the Petitioners by not placing them in rotation with other 63 direct recruitee’s and 116 Ranker’s Respondents is in violation of Law.

3. The claim petition has been contested on behalf of the respondents. C.A. has been filed by Shri Naveen Chandra Semwal, the then Deputy Superintendent of Police (Personnel), PHQ, Uttarakhand, Dehradun, denying the material averments contained in the claim petition. Relevant documents have been filed by the

respondents. Counter affidavit has been filed mainly stating that in the erstwhile State of Uttar Pradesh, there existed no statutory service rules governing the cadre of Sub-Inspectors and Inspectors; instead, their service conditions were regulated through executive instructions and Government Orders issued from time to time by the Personnel Department of the Police Headquarters, Uttar Pradesh. Under the U.P. Police Regulations, the provisions relating to appointment and seniority determination were contained in paragraph 406 and 448-A, respectively, which are reproduced below:

> *406 - (क) सिविल पुलिस- सिविल पुलिस के उप-निरीक्षक. उप- महानिरीक्षक द्वारा अभ्यर्थियों की उस सूची से नियुक्त किये जाते हैं जो कि पुलिस प्रशिक्षण विद्यालय में विहित कैडेटस पाठ्यक्रम में अर्ह को जाते है।*
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> *448-(क) सापेक्ष ज्येष्ठता का निर्धारण सापेक्ष ज्येष्ठता उप निरीक्षक का सशस्त्र पुलिस पाठ्यक्रम में उत्तीर्ण होने के दिनांक से और व्यक्तियों (अभ्यर्थियों) के लिए उसी पाठ्यक्रम में उत्तीर्ण होकर उप निरीक्षक सशस्त्र पुलिस पाठ्यक्रम की अन्तिम परीक्षा में उनकी स्थिति द्वारा शासित होगी। उस परीक्षा में समान अंक प्राप्त करने वाले दो कान्सटेबिलों के बीच (एस) सीधी भर्ती किये गये हों तो आयु अवधारण करना तत्व होगा, और कैडेटों की श्रेणी में होने की दशा में यह तत्व सेवा की अवधि की लम्बाई होगी।*

3.1. In the year 2007, the Uttarakhand Police Act, 2007 was enacted. In exercise of powers conferred under Section 87(1) of the said act, the Government of Uttarakhand, vide notification no. XX-7-2018-01-69-2016 dated 31/07/2018, promulgated the U.K Police Sub-Inspector and Inspector Service Rules, 2018. Rule 21(2) of the said rules provided as follows with respect to the determination of seniority of Sub-Inspectors:

> "……

> **(4)** *Service of the candidate selected for the post of Sub Inspectors through recruitment/promotion shall be calculated from the date of starting of PTC training."*

3.2. Respondent has also prepared the seniority list in accordance with the *Uttar Pradesh State Sub-Inspector Service Rules, 2008 (as amended in 2015)*, which are *pari materia* with the *Uttarakhand Police Sub-Inspector/Inspector (Civil/Intelligence) Service Rules, 2018/2024*. A provisional seniority list was issued on 15.10.2024 and objections were called from all concerned.

3.3. The private Respondents were selected through direct appointment and departmental ranker examination in the selection year 2007–2008 and underwent training during the training year 2008–2009 at PTC Moradabad. In accordance with the amended Seniority Rules of 2024, the seniority of direct recruits and promotees was initially drawn separately, based on marks secured during training. Such classification is constitutionally permissible and constitutes a reasonable differentiation under Article 14 of the Constitution of India.

3.4. As per the applicable seniority rules, promotees are placed first and then the direct appointees. Accordingly, a combined seniority list was issued on 16.12.2024. Petitioners completed their training successfully in the selection year 2009–2010 and were included in the cadre of Sub-Inspectors as trained personnel. It is submitted that as per the recruitment advertisements issued in the year 2007–08, it was clearly mentioned that during training, only a stipend would be payable and not regular salary as per the Grade Pay of Rs. 4600/-.Petitioners were issued appointment orders dated 22.02.2010 under the selection year 2009–2010, which commenced on 01.07.2009 and ended on 30.06.2010, only after successful completion of training. Whereas, private Respondents No. 3 to 181 were appointed earlier on 23.04.2009 under the selection year 2008–2009. Accordingly, in terms of the Second

Proviso to Rule 7 of the Uttarakhand Government Servant Seniority Rules, 2002, which mandates that inter se seniority shall follow the order of selection year unless otherwise provided, the Petitioners being from a subsequent selection cycle are legally and correctly placed junior to Respondents No. 3 to 181. Any claim to parity or precedence is therefore without merit and directly contrary to the statutory scheme.

3.5. Petitioners were issued appointment letters on 22.02.2010. However, the assertion that their substantive appointment date should be reckoned as 01.06.2009 is specifically denied as being legally untenable and contrary to Rule 21 of the Uttarakhand Police Sub-Inspector and Inspector (Civil/Intelligence) Service Rules, 2018, as amended. It is submitted that the grant of MACP benefits w.e.f. 01.06.2009 was solely for the limited purpose of pay fixation and other financial entitlements, and does not confer any right with respect to seniority determination, which is governed strictly by the date of substantive appointment under the applicable Service Rules.

3.6. Petitioners belonged to the third batch and underwent PTC training starting from 01.06.2009, which was later than the first two batches. Therefore, as per Rule 21(2)(b) of the 2018 Rules, the Petitioners cannot claim seniority above those who completed training in earlier sessions. The detailed chart is reproduced below:

Selection year 2007-08 (Training session 2008-09) in respect of private respondents 3 to 181

Cadre	**Date of notification for recruitment**	**Date of result**	**Date of commencement of training**	**Date of completion of training**	**Date of issuance of appointment letter**
Direct Recruitment	29/12/2007	17/06/2008	01/07/2008	15/04/2009	23/04/2009
Ranker	15/03/2007	04/11/2008	07/11/2008	15/04/2009	23/04/2009

Selection year 2008-09 (Training session 2009-10) in respect of the petitioners

Cadre	Date of notification for recruitment	Date of result	Date of commencement of training	Date of completion of training	Date of issuance of appointment letter
Direct Recruitment	16/09/2008	22/05/2009	01/06/2009	16/02/2010	22/02/2010
Ranker	20/12/2008	17/12/2009	19/12/2009	30/06/2010	06/07/2010

3.7. Respondents have acted strictly in accordance with the applicable Service Rules and the Uttarakhand Government Servant Seniority Rules, 2002. No breach of any statutory provision is attributable to the Respondents. Furthermore, if the Petitioners' grievance is, in substance, against the validity of the statutory rules themselves, such a challenge is wholly untenable before this Hon'ble Tribunal. In view of Section 4 of the U.P. Public Services Tribunal Act, 1976 (as applicable in Uttarakhand), and as conclusively held by the Hon'ble High Court of Uttarakhand in *Shyam Lal v. State of Uttarakhand & Ors.,* W.P. (S/B) No. 39 of 2020, decided on 23.06.2020, this Tribunal lacks jurisdiction to adjudicate upon the vires of rules framed under Article 309 of the Constitution. The claim petition is, therefore, liable to be dismissed on this ground alone.

3.8. The final inter se seniority list dated 19.10.2024 is legally correct, proper, and has been issued in accordance with the relevant provisions of the *Uttarakhand Police Sub-Inspector/Inspector (Civil/Intelligence) Service Rules, 2018* as amended in 2024, along with the applicable provisions of the Seniority Rules, 2002. Therefore, the present claim petition is without legal merit and deserves to be dismissed with costs.

4. Counter has also been filed on behalf of private respondents which is virtually a verbatim reproduction of the Counter Affidavit submitted by the official respondents, raising identical grounds and adopting the averments and grounds set forth by the official respondents.

5. Rejoinder affidavits have been filed by learned Counsel for the petitioner reiterating the facts contained in the claim petition and denying the material averments contained in the counter affidavits.

6. We have heard the learned Counsel for the petitioner, learned A.P.O. and learned Counsel for the private respondents and perused the documents placed before the Tribunal.

7. Learned counsel for the petitioner submitted that the petitioners were selected on the posts of Sub Inspector on the basis of the recruitment examination conducted by UKSSC on 22.05.2009. They were sent for the training on 01.06.2009 which was completed on 16.02.2010. The private respondents were also promoted on the posts of Sub Inspector and sent for the training on 07.11.2008, their training was completed on 15.04.2009. The petitioners were appointed on the posts of SI on 22.02.2010 and the private respondents were appointed on the post of the S.I. on 23.04.2009. There were other 64 directly recruited S.I.s who were selected on 17.06.2008 and their training was started on 01.07.2008 and completed on 15.04.2009.

7.1. The respondents issued a tentative seniority list on 18.02.2019 in which the names of the petitioners were not included. The petitioners represented against the tentative seniority list but their objections were rejected on the ground that they have been trained in the year 2009-10 and the respondents were trained in the year 2008-09, their training years are 2008-09 and 2009-10. So their names have not been included in the seniority list dated 16.12.2024. Another seniority list was issued in which the petitioners names have been included with the promoted S.I.s which were promoted on 20.12.2008 trained from 19.12.2009 to 30.06.2010.

7.2. The Learned counsel for the petitioner argued that the petitioners have been appointed in the selection year 2008-09 and their seniority should be determined with ranker in the cyclic order

after the 64 other directly recruited Sub Inspectors, who were also appointed in the year 2008-09.

7.3. Learned Counsel for the petitioner further argued that the Rule 21(4) of Rules of 2024 clearly lays down that the service of the Sub Inspector shall count from the date of joining, they have been given benefit of ACP from 01.06.2009 from date of joining the training but they been given seniority from the date of appointment as SI on 22.02.2010 i.e. after completion of the training. The persons appointed from two sources should have the seniority determined in cyclic order for the same selection year as per the Uttarakhand Government Servants Seniority Rules, 2002. Learned counsel for the petitioner argued that the determination of the seniority based on the training of the SI is not correct and the claim petition is liable to be allowed and the seniority list issued vide the 16.12.2024 is liable to be quashed.

7.4. Rule 21(3) of the Rules of 2018 as amended in 2024 provides that the service shall count from the commencement of training but does not say that the seniority will count from the date of completion of training. The training of the petitioner started from 01.06.2009, so his selection year should be 2008-09. The training of the petitioners commenced on 01.06.2009 which falls under the training year 2008-09. The private respondents have their training commenced from 07.11.2008 which falls under the training year 2008-09.

8. Rule 21 of the aforesaid Rules of 2024 provides that the seniority of the Sub Inspector will count from the date of commencement of the training. So, the Seniority of the petitioners should count from the date of commence of training 01.06.2008 rather than the date of appointment 22.02.2010. Selection year 2008-09 has been mentioned in the appointment letter as well as the result declared, still they have been excluded from 64 direct recruitees and the 116 Rankers and placed in the year 2009-10.

Seniority of the petitioners and the private respondents shall be determined as per rule 8(3) of the Rules of 2002 in the cyclic order as the selection year of the petitioners and the respondents is same i.e. 2008-09.

9. Learned Counsel for the petitioner submitted that benefit of the Modified Assured Career Progression Scheme was granted to the petitioner after successful completion of 10 years of the service from 01.06.2009 vide letter dated 20.07.2019. However, the respondents have taken stand that as per the Rules of 2024, the seniority cannot be given from the date of commencement of the training, whereas the Sub inspectors of 2002 -2003 were given seniority before going to the PTC training. Identity card of the petitioner also shows the date of joining as 01.06.2009. He has relied on the judgment of the Hon'ble High Court given in Writ Petition No. 244 (S/B) of 2025, Anuj Agarwal and others vs. State of Uttarakhand and others, along with connected writ petitions in which the Hon'ble High Court made a reference of the Writ Petition No. 579(S/B) of 2017, Uttarakhand Power Corporation Limited vs. Shri B.M. Bhatt and others, with connected writ petition, in which the Hon'ble Court has decided that "even if during the service, any employee is sent for training, the period cannot be deleted from the seniority. It is the part of the service and at the initial stage if he is given training, or even after 10 years, he is sent for training, that period of training has to be part of his regular service record."

10. Learned A.P.O. argued that the petitioners and the private respondents were appointed on 22.02.2010 and 23.04.2009 on the post of the Sub Inspectors but they were given training from 01.06.2009 to 16.02.2010 and from 07.11.2008 to 15.04.2009 respectively. The Rule 21 of the Uttarakhand Police Sub Inspector and Inspector (Civil Police/ Intelligence) Service (Amendment) Rules, 2024 (hereinafter called as "Rules of 2024), provides that the seniority of the Sub Inspector is determined on the basis of the

order of their training sessions. Rule 21 of the Rules of 2024 is reproduced herein below:

(1) Determination of seniority of Sub Inspectors recruited before 31/07/2018:

(a) Seniority of such Sub Inspectors undergone training at one time shall be determined cadre-wise on the basis of the marks obtained by them in training after selection in training institutions.

(b) All Sub Inspectors undergone training in one training session shall be junior to all Sub Inspectors undergone training in a previous session and shall be senior to all Sub Inspectors undergone training in subsequent training sessions.

Provided that if Sub Inspectors appointed by direct recruitment and by departmental promotion/ranker exam have undergone training in one training session, then in that case, the seniority shall be determined in a cyclic order (the first being a promotee), so far as may be, in accordance with the quota prescribed for both the sources.

(2) Determination of seniority of Sub Inspectors recruited after 31/07/2018:

(a) …….

(b) …….

(3) *Notwithstanding anything contrary above, if any other fact comes to the knowledge or any dispute takes place regarding seniority, then it shall be disposed of according to the Uttarakhand Government Servant Seniority Rules, 2002 (as amended from time to time).*

(4) *Service of the candidate selected for the post of Sub Inspectors through recruitment/promotion shall be calculated from the date of starting of PTC training.*

10.1. Learned A.P.O. further submitted that the petitioners were trained after the private respondents and their training was completed on 16.02.2010 which falls in the training session 2009-10. The training of the private respondents was completed on 15.04.2009 which falls in the training session 2008-09. The ACP benefit to the petitioners has been given from the date of commencement of training which is as per Rule 21(4) of the Rules of 2024, which provides that the service of the candidate selected for the post of Sub Inspectors through recruitment/promotion shall be calculated from the date of commencement of PTC training. However, the seniority will count from the date of substantive appointment and the *inter se* seniority will be determined based on the order of their training sessions. Moreover, the petitioners' grievance is against the existing Rules and the adjudication of the Rules is against the settled law as held by the Hon'ble High Court of Uttarakhand in *Shyam Lal v. State of Uttarakhand & Ors.,* W.P. (S/B) No. 39 of 2020, decided on 23.06.2020.

11. Learned counsel for the private respondents also argued that the petitioners were trained from 01.06.2009 to 16.02.2010 and they were appointed as Sub Inspectors after completion of training on 22.02.2010 whereas the private respondents were imparted training from 07.11.2008 to 15.04.2009 and they were given appointment on 23.04.2009. As the seniority of the Sub Inspectors as per Rule 21 of the Rules of 2024 (who were appointed before 31.07.2018) is to be determined as per the order of the training sessions of direct recruits and the rankers, the seniority determined vide impugned seniority list is correct. So, the claim petition is liable to be dismissed.

12. Based on the arguments of the parties and the documents presented before the Tribunal, we find that the petitioners were selected for the posts of the sub inspectors on 22.05.2009. They were sent on training on 01.06.2009 and their training was completed on 16.02.2010. The respondent department issued

appointment letters to the petitioners on the post of the Sub Inspectors on 22.02.2010. Private respondents were selected for the posts of the sub inspectors by promotion on 04.11.2008 and they were sent for the training on 07.11.2008 which was completed on 15.04.2009 and their orders of appointment were issued on 23.04.2009.

13. Rule 21 of the Uttarakhand Police Sub Inspector and Inspector (Civil Police/ Intelligence) Service (Amendment) Rules, 2024 provides for the determination of seniority of directly recruited Sub Inspectors (before 31.07.2018) as well as the promoted Sub Inspectors, which states that the seniority of Sub Inspectors will be determined on the basis of the order of the training sessions.

14. Private respondents were trained from 07.11.2008 to 15.04.2009 whereas the petitioners were trained from 01.06.2009 to 16.02.2010. The private respondents were trained in the year 2008-09 and the petitioner in the year 2009-10. So, the respondents are senior to the petitioners, and their seniority has been determined with the directly recruited 64 sub inspectors with whom they were trained and their names are arranged in cyclic order with private respondents in the year 2008-09.

15. The petitioners have been given seniority with the promoted Sub Inspectors (Rankers), who were recruited on 17.12.2009, their training started on 19.12.2009 and completed on 30.06.2010. The date of appointment of the rankers is 06.07.2010.

16. The seniority list dated 16.12.2024 has been prepared as per the Rule 21 of the Uttarakhand Police Sub Inspector and Inspector (Civil Police/ Intelligence) Service (Amendment) Rules, 2024 and the Rules of 2002 are not applicable in this case as pleaded by the learned counsel for the petitioner. Learned Counsel for the petitioner has contended that the training period should be taken into account for determination of seniority and their seniority should be considered from the date of joining training. However, the

petitioners have not directly challenged the existing Rules for seniority but their grievance is against the existing Rules. Such challenge is untenable before the Tribunal as held by the Hon'ble High Court of Uttarakhand in *Shyam Lal v. State of Uttarakhand & Ors.,* W.P. (S/B) No. 39 of 2020, decided on 23.06.2020. This Tribunal lacks jurisdiction to adjudicate the Rules framed under Article 309 of the Constitution of India.

17. In view of the above, the claim petition is devoid of merits and is liable to be dismissed.

ORDER

The claim petition is dismissed. No order as to costs.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: 17TH NOVEMBER, 2026
DEHRADUN

RS