

(2022) 07 UK CK 0015

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 349 Of 2022

Bhuwan Chandra And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 05-07-2022

Acts Referred:

Citation : (2022) 07 UK CK 0015

Hon'ble Judges : Vipin Sanghi, CJ;Ramesh Chandra Khulbe, J

Bench : Division Bench

Advocate : Harendra Belwal, B. P. S. Mer

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. Issue notice.
2. Learned counsel for the respondent appears and accepts notice.
3. Grievance of the petitioners, who are all Lecturers in different subjects, such as Physics, English, Chemistry and Math in different branches of Government Polytechnics, in the State of Uttarakhand, is that for the further promotion to the post of Head of Department, they have participated in and cleared the examination, however, their promotions are held up, since there is an inter-se seniority dispute within their ranks. Other Lecturers from other streams have, in the meantime, been promoted as Heads of the Department, in their respective streams.
4. Learned counsel for the respondents submits that Rule 5 of Promotion Rules provides for promotion, which itself requires consideration of seniority of the candidates, and since there is a seniority dispute pending, the promotions cannot be made till the said dispute is resolved.
5. Though, the petitioner has not sought the direct relief for a direction to the

respondents to finalize the seniority list, we find that this is the real gravamen of the petitioner as, without finalizing the seniority list, the matter cannot proceed.

6. We, therefore, dispose of this writ petition with a direction to the respondents to finalize the seniority list of Lecturers in the streams in which the petitioners are serving within the next three months. However, the petitioners are directed to cooperate and not to delay the process.

7. With the above observations, the present writ petition stands disposed of.

8. Pending application, if any, also stands disposed of accordingly.