
(2026) 01 UK CK 1863

In the Uttarakhand High Court

Case No : Writ Petition Service Bench No. 298 of 2025

Dharmendra Kumar And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 06-01-2026

Acts Referred:

Uttarakhand Police Act, 2007 — Section 3, 87

Uttarakhand Police Motor Transport Branch Subordinate Services Rules, 2018 — Rule 2(g), 2(j), 2(l), 4, 8, 9, 10, 14, 14(1)

Constitution Of India, 1950 — Article 226

Citation : (2026) 01 UK CK 1863

Hon'ble Judges : Ravindra Maithani, J;Alok Mahra, J

Bench : Division Bench

Advocate : Shobhit Saharia, Puran Singh Bisht

Final Decision : Allowed

Judgement

Alok Mahra, J

1. By means of the present writ petition filed under Article 226 of the Constitution of India, the petitioners seek issuance of a writ in the nature of mandamus declaring amended Rule 14(1) of the Uttarakhand Police Motor Transport Branch Subordinate Services Rules, 2018 (as amended in 2024) to be illegal, arbitrary and unconstitutional in the manner in which it has been interpreted and applied by the State authorities while determining seniority of Constable Drivers vide order dated 04.06.2025. The petitioners have also prayed for issuance of a writ of certiorari for quashing the seniority list dated 04.06.2025.

2. The core grievance of the petitioners is that while determining inter se seniority, the respondents have misconstrued the expression "substantive appointment" occurring in Rule 14(1) of the Services Rules, 2018 (as amended in 2024). According to the petitioners, the respondents have erroneously treated the date of substantive appointment in the parent cadre, i.e. Civil Police/PAC/ Armed Police/IRB, as the basis for seniority, whereas under the statutory

scheme, seniority can be reckoned only from the date of substantive appointment to the Motor Transport Branch cadre, which is the service governed by the Rules of 2018.

3. Learned counsel for the petitioners submitted that since the creation of the State of Uttarakhand in the year 2000, the Motor Transport Branch has been functioning as a separate and distinct branch of the Police Department. The cadre in this branch commences with the post of Constable Driver, followed by promotion to Head Constable Driver and thereafter to Sub-Inspector (Motor Transport). Personnel of the Motor Transport Branch are not entitled to promotional avenues of the Civil Police/PAC/Armed Police/IRB, and vice-versa. He would further submit that appointment to the post of Constable Driver is not a promotion simpliciter, but is made through a selection process from amongst substantively appointed Constables of Civil Police/PAC/Armed Police/ IRB who fulfill the eligibility conditions prescribed under the Rules. One of the essential conditions is successful completion of the prescribed special driving training course, and only thereafter an appointment order is issued under Rule 10 of the Services Rules, 2018, which marks the entry of the incumbent into a new and distinct cadre of service.

4. Learned counsel would further submit that in exercise of powers under Sections 3 and 87 of the Uttarakhand Police Act, 2007, the State framed the Uttarakhand Police Motor Transport Branch Subordinate Services Rules, 2018, which came into force on 27.11.2018. The Rules clearly define "Service" under Rule 2(j) as the Uttarakhand Police Motor Transport Branch Subordinate Service; "Member of service" under Rule 2(g) as a person substantively appointed to a post in the cadre of service; "Substantive appointment" under Rule 2(l) as an appointment made to a post in the cadre of service, which is not ad-hoc and is made after selection in accordance with the Rules; and the cadre of service under Rule 4 to include Constable Driver, Head Constable Driver and Sub-Inspector (Motor Transport).

5. According to learned counsel for the petitioners, a combined reading of Rules 2(g), 2(j), 2(l) and Rule 4 makes it clear that a person becomes a member of the Motor Transport Branch only after issuance of an appointment order under Rule 10 of the Services Rule, 2018, which is granted upon successful completion of the prescribed training. Any service rendered in the parent cadre prior to such appointment cannot be treated as substantive appointment in the Motor Transport Branch. He referred to the detailed selection procedure contained in Rules 8 and 9 of the Services Rule, 2018, which include eligibility conditions, constitution of the selection committee, driving skill test, preparation of the select list and mandatory training. Rule 9 specifically provides that a candidate who fails to pass the prescribed course is to be repatriated to the parent cadre, and Rule 10 clearly stipulates that appointment shall be made only after successful completion of training.

6. Learned counsel for the petitioners would further submit that even after

amendment of Rule 14 in the year 2024, the principle remains unchanged that seniority can be determined only after substantive appointment to the post in the service, i.e. the Motor Transport Branch. However, despite the petitioners having been appointed as Constable Drivers between 2008 and 2010, they have been placed below persons who were appointed as Constables in their parent cadres much earlier but entered the Motor Transport Branch several years later. Examples of the cases of respondent nos. 3, 4, 6 and 8 were given to show that the impugned seniority list is clearly arbitrary. Learned counsel argued that the interpretation adopted by the authorities gives retrospective seniority to persons who were not even part of the Motor Transport Branch cadre at the relevant time. Such grant of seniority is not permissible in law and is against the settled principles governing fixation of seniority.

7. Per contra, learned State counsel supported the impugned seniority list and contended that Rule 14 of the Services Rules, 2018 (as amended in 2024) mandates determination of seniority in accordance with the Uttarakhand Government Servants Seniority Rules, 2002. It was argued that seniority has rightly been fixed with reference to the substantive appointment of Constables in the feeder cadre. He would further submit that the amendment of 2024 was carried out to maintain uniformity with other police cadres and on the basis of representations received from senior drivers. Reliance was placed upon the decision of the Supreme Court in *Rajesh Kumar Singh & Others v. State of Uttar Pradesh & Others*, (2021) 5 SCC 421, wherein the Supreme Court upheld the validity of rules requiring a selection process for appointment to certain technical police posts, even for those already holding equivalent pay-scale positions.

8 Heard learned counsel for the parties and perused the record.

9. The controversy involved lies in a narrow compass and relates to the correct interpretation of the expression "substantive appointment" under the Services Rules, 2018 (as amended in 2024) and its effect on determination of seniority in a separate and distinct cadre, namely the Uttarakhand Police Motor Transport Branch Subordinate Service. It is not in dispute that the Motor Transport Branch is a special, self-contained service, governed by statutory rules framed under the Uttarakhand Police Act, 2007. The Rules clearly define the service, cadre, member of service and substantive appointment. A person becomes a member of this service only upon issuance of an appointment order under Rule 10, after successful completion of mandatory training.

10. The interpretation adopted by the respondents, whereby seniority is linked to the date of appointment in the parent cadre, is contrary to the express provisions of the Rules and completely ignores the distinction between the feeder cadre and the Motor Transport Branch cadre. The Rules do not contemplate any deemed or notional substantive appointment in the Motor Transport Branch prior to appointment under Rule 10. The reliance placed on *Rajesh Kumar Singh* (supra) is misplaced, as the said judgment does not deal with determination of seniority in a separate cadre governed by special statutory rules, which expressly define

the concept of substantive appointment. The Hon'ble Supreme Court in the case of K. Meghachandra Singh Vs. Ningam Siro & Ors., (2020) 5 SCC 689, has held that seniority cannot be reckoned from a date when the employee was not borne in the cadre. Similarly, in Pawan Pratap Singh & Ors. Vs. Reevan Singh & Ors., (2011) 3 SCC 267, it was reiterated by Hon'ble Apex Court that the date of entry into the cadre is determinative of seniority, unless the rules provide otherwise.

11. In view of the above discussion, this Court finds that the impugned seniority list dated 04.06.2025 is arbitrary, illegal and contrary to the Services Rules, 2018 as amended in 2024.

12. Accordingly, the writ petition is allowed. The seniority list dated 04.06.2025 is hereby quashed.

13. The respondents are directed to prepare and issue a fresh tentative seniority list strictly in accordance with the Uttarakhand Police Motor Transport Branch Subordinate Services Rules, 2018 as amended in 2024, treating the date of substantive appointment under Rule 10 of the said Rules as the determinative factor for seniority, after affording opportunity of objections to all concerned.