
(2018) 10 UK CK 0006

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 2557 of 2017

Shankar Singh Bhakuni and others

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 03-10-2018

Acts Referred:

Citation : (2018) 10 UK CK 0006

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : B.D. Upadhyaya, Ganesh Kandpal, Yogesh Pandey, Alok Mahra

Final Decision : Disposed Of

Judgement

Sudhanshu Dhulia, J.

1. The petitioners before this are the promoted officers to the post of Supply Inspector under the promotional quota. The issue before this Court is the challenge to the inter se seniority between the petitioners, who are promotees and the private respondents, who are direct recruits.

2. Earlier a writ petition being Writ Petition (S/S) No. 2153 of 2014 was filed before this Court by the directly appointed Supply Inspectors, who had challenged the promotion of the present petitioners before this Court. Their case was that the private respondents were promoted to the post of Supply

Inspector 10 days prior to the appointment of direct recruits. The writ petition was disposed of by this Court holding that for the appointment, either to

be made by promotion or through direct recruitment, the service rules provide that it has to be done only after consultation with the Public Service

Commission, and

since admittedly it was not done, the writ petition was disposed of with the

following directions:

17. It is further directed that the Department shall send the matter of the private respondents forthwith to the State Public Service Commission but

definitely within a period of three weeks from the date of production of a certified copy of this order and thereafter within three months the State

Public Service Commission shall pass consequential order.

3. Thereafter, after consultation and consideration by the Public Service Commission, an order was passed by the Secretary, Uttarakhand Public

Service Commission on 30.08.2016, on which the Commissioner, Food and Supply Department, Uttarakhand passed an order on 17.08.2017

determining the inter se seniority between the direct recruits and the promotees. Petitioners are aggrieved by the said final seniority list and have

challenged the same before this Court.

4. Since this matter involves disputed question of fact and this can be appreciated by the State Public Service Tribunal, and particularly in view of a

Division Bench Judgment of this Court in the case of Bhuwan Chandra Pandey & others Vs State of Uttarakhand & others reported in 2006(2) U.D.

439, the matter has now to be adjudicated first by the Public Service Tribunal.

5. In view thereof, writ petition is disposed of with a request to the Uttarakhand Public Service Tribunal to decide the matter within three months as

far as possible. The Uttarakhand Public Service Tribunal is requested to decide the matter at its Circuit Bench at Nainital. The Registry is directed to

send the photo copy of the entire record to the Uttarakhand Public Service Tribunal forthwith.

6. It is, however, made clear that interim order dated 15.09.2017 shall remain effective for a period of 12 weeks from today, subject to its extension by

the learned Tribunal.