HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Special Appeal No. 20 of 2025

23 September, 2025

Ravikant Kothiyal and Another --Appellants

Versus

State of Uttarakhand and Others --Respondents

Presence:-
None is present for the appellants.
Ms. Pooja Banga, learned Brief Holder for the State of Uttarakhand.
Mr. Pankaj Miglani, learned counsel for Uttarakhand Public Service Commission.

JUDGMENT : (Per Sri G. NARENDAR, C.J.)

Heard learned counsel for the State and learned counsel for the Uttarakhand Public Service Commission.

2. Mr. Pankaj Miglani, learned counsel for the Public Service Commission submits that the instant appeal is covered by an order of this Court rendered in Special Appeal No.24 of 2025 dated 11.06.2025.

3. The Co-ordinate Bench of this Court, in which one of us is a member, was pleased to dispose of the same with the following directions:-

"(i) Every petitioner shall submit an individual representation setting out, in detail, the merits of his claim and shall also enclose necessary certificates in support of his eligibility to be considered for the post.

(ii). The claim petition shall include the details such as; (a) regarding the date of appointment, (b) in the event, any selection process was undertaken by the authorities (in the course of engaging the services on contractual basis) the details of such process/procedure, (c) the details of the breaks (the detail of the break shall detail the number of days, months or years, the petitioner was out of service), (d) the date of discontinuance and the date of reappointment shall be stated.

(iii). The petitioners shall submit their respective representation within 15 days from the date to be calculated from the date of receipt of copy of this order. At the latest, the representation shall be submitted to the first respondent on or before 30.06.2025 by 5:30 p.m.

(iv). Thereafter, the first respondent shall examine the representations individually and, thereafter, draw up a list assigning seniority to the petitioners and some of the criteria for assessing and drawing up the seniority list are as follows:-

(a) The date of entry in the service.

(b) The total length of service, excluding the number of days/weeks/months that the petitioners were actually out of service.

(v). Thereafter, the first respondent shall, on the basis of the criteria stated (supra) and also appreciate the 2013 Rules and, thereafter, pass orders on each representation, holding them eligible or not,

for regularization. The first respondent shall not take into consideration, the removal from the post of certain of the petitioners post the modification of the interim orders dated 10.01.2025 & 04.03.2025, for the purpose of calculating the length of service. The service rendered or failure to render service post 10.01.2025 shall not be factored in by the first respondent while calculating the length of service. The first respondent shall not be influenced by any of observations made in any of the orders passed by this Court, either sitting singly or in division and the case of each petitioner shall be considered on the individual merits. It is further made clear that in the event of any of the petitioners' services being regularized and it is found that he has been removed only due to the modified interim order, then the period from 10.01.2025 shall be counted as a period spent on duty.

(vi). The first respondent shall consider the case of the petitioners not only in respect of the existing vacancies, but also the vacancies that may come up in the next six months. It is made clear that all those who have been given charge of promotional post or a post higher in rank of J.E. for regularization, shall be eligible for regularization only in the post of J.E. It is made clear that the candidate applying for regularization, shall be from amongst the list of names of 229 persons furnished by learned Addl. A.G. i.e. the list compiled pursuant to the order dated 01.04.2025 in **SPA No.24 of 2025** in the matter of **Ajay Panwar and others Vs. State of Uttarakhand and others**.

(vii). Prior to regularization, the first respondent shall, in consultation with the Government, also formalize the service benefits that the State would extend pursuant to the order of regularization."

4. In that view, the instant appeal also stands disposed of in the above terms.

(G. NARENDAR, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 23.09.2025

KK/SS

SUKHBANT SINGH

Digitally signed by SUKHBANT SINGH
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