



HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. G. NARENDAR
AND
HON'BLE SRI JUSTICE RAVINDRA MAITHANI
18TH JULY, 2025

SPECIAL APPEAL NO. 41 OF 2022

Kapil Mohan Appellant
Versus
State of Uttarakhand and others Respondents

Counsel for the Appellant	:	Mr. Hari Mohan Bhatia, learned counsel.
Counsel for the State	:	Mr. P.C. Bisht, learned Additional Chief Standing Counsel with Mr. S.S. Chaudhary, learned Brief Holder.
Counsel for Respondent No.2	:	Mr. Ashish Joshi, learned counsel.
Counsel for Respondent no.6	:	Mr. M.C. Kandpal, learned Senior Counsel assisted by Mr. Chitrarth Kandpal, learned counsel.

JUDGMENT : (per Mr. G. Narendar, C.J.)

Heard learned counsel for the appellant, learned State Counsel, learned counsel for respondent no.2, and learned Senior Counsel for respondent no.6.

2. The facts necessary for the disposal of the appeal are as follows:-

“Respondent no.6 was appointed as Senior Cane Development Inspector; that the appointment of respondent no.6 came to be challenged, and this Court was pleased to set-aside the appointment of respondent no.6 on the post of Senior Cane Development Inspector; that the successful petitioner [*petitioner in Writ Petition (S/B) No.308 of 2017*] did not, thereafter, join the post, and the challenge by the Commission, was also negated by a Division Bench of this Court, and pursuant to that judgment the respondent no.6 was re-designated as Cane Development Inspector. Aggrieved by this, respondent no.6 challenged the reversion, and the



learned Single Judge of this Court was pleased to set-aside the same in Writ Petition (S/S) No.308 of 2017, dated 13.10.2018.”

3. It is the case of the appellant that if the said impugned order is allowed to stand, he would, then, become a junior in the order of seniority, and hence, aggrieved by the same, he is before this Court. The order of reversion and the litigation between the petitioner and the Department is one in which the petitioner had no locus. It is not that he was a party to the earlier round of litigation and he was not a party to the subsequent round of litigation also.

4. Be that as it may, the appellant submits that the impugned order impinges on his right, as it affects his seniority and he would be pushed down the order of merit. Whether the appeal is maintainable or not, is the preliminary question that faces this Court.

5. Apparently, the appellant was not a party-respondent. The appellant having not taken any stand, nor canvassed any grounds before the learned Single Judge and there being no direct bearing on the seniority of the appellant, it is inconceivable that the appeal can be entertained on a fresh set of grounds that may be canvassed before this Court.

6. In that view, we are of the opinion that the appeal is not maintainable and, is accordingly, rejected.



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7. Be that as it may, rejection of the appeal will not come in the way of the appellant to seek for alternate remedy by way of review if he is so advised and desires.

8. Accordingly, the appeal stands ordered.

9. There shall be no order as to costs.

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

G. NARENDAR, C.J.

RAVINDRA MAITHANI, J.

Dated: 18th July, 2025

NISHANT

NISHANT
KUMAR