



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition Service Bench No.99 of 2023

12 November, 2025

Gurubaksh Singh

-----Petitioner.

Versus

Hon'ble High Court of Uttarakhand through its Registrar General, Nainital and Others.

-----Respondents

Presence:-

Mr. Pradeep Kumar Chauhan, learned counsel for the petitioner.

Mr. B.S. Parihar, learned Addl. C.S.C. for the State of Uttarakhand.

Ms. Menka Tripathi, learned counsel for respondent no.1.

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

Heard Mr. Pradeep Kumar Chauhan, learned counsel for the petitioner, Mr. B.S. Parihar, learned Addl. C.S.C. for the State of Uttarakhand and Ms. Menka Tripathi, learned counsel for respondent no.1.

2. The petitioner has sought for the following relief(s):-

"1. declare inaction on the part of respondents whereby the benefit of Rule 30 of Uttarakhand Higher Judicial Service Rules, 2004, as amended in 2011, and further amended in 2016, is not extended to the petitioner as arbitrary, illegal and discriminatory so far it relates to the non inclusion of 10 months of service (03-10-2009 to 03-08-2010) rendered by the petitioner as Additional District Judge in Madhya Pradesh.



- II. issue a writ, order or direction in the nature of mandamus directing and commanding the respondent no 1, to consider the service from 03-10-2009 to 03-08-2010 (ten months) rendered in Madhya Pradesh Higher Judicial service for the purposes of seniority and consequential benefits, in Uttarakhand Higher Judicial service.*
- III. to pass a suitable writ, order or direction in favour of petitioner and against the respondents which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.*
- IV. to award the cost of the present writ petition to the petitioner."*

3. It is the case of the petitioner that he had been selected in the Higher Judicial Service of the State of Madhya Pradesh and was appointed and rendering service between 03.10.2009 to 03.08.2010 i.e. for a period of about ten months; that while so rendering service, there was an invitation to apply for appointment to the Higher Judicial Service in the State of Uttarakhand and the petitioner made his application and subsequently successfully participated in the selection process and came to be appointed in the Higher Judicial Service of Uttarakhand; that he entered into the service on 06.08.2010. It is his case that his service as a Judicial Officer in the Higher Judicial Service of the State of Madhya Pradesh has not been given credit to and that the service rendered by him in the State of Madhya Pradesh as Judicial Officer ought to be added to his service period.

4. In this regard, the petitioner made a representation on 08.10.2020 to the Competent Authority



and the said representation came to be rejected on 27.11.2021. The relief sought for by the petitioner requires to be appreciated in the background of these short facts.

5. The fact remains that he entered the Judicial Service on 06.08.2010. A representation came to be made after the passage of nearly a decade and the orders rejecting his claim, which came to be passed on 27.11.2021 have not been questioned thus far.

6. Thirdly, if the claim of the petitioner at this distant point of time is appreciated and accepted by this Court, it would open up a pandora's box leading to unsettling a settled seniority position. In that view, we are of the considered opinion that the writ petition is vitiated by delay and laches and also the failure to question the order dated 27.11.2021 whereby his claim came to be rejected.

7. That apart, we find that the consequences of such action on the parties, whose position would stand altered consequent to allowing the writ petition, are also necessary parties but have not been arrayed as party-respondents.

8. Be that as it may, as noted above, the instant writ petition which is filed after the lapse of 13 years of entering service, is clearly vitiated by delay and laches. Accordingly, the writ petition is rejected solely on the



ground of delay and latches without entering upon merits of the matter.

9. There shall be no order as to costs.

10. Learned counsel for the petitioner would submit that he had made a representation exercising his option for considering his case for payment of pension under the UPS Scheme. The same, in our opinion, is a separate cause of action and it is always open for the petitioner to agitate the same in accordance with law.

(G. NARENDAR, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 12.11.2025

KK/SS