

HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Contempt Petition No. 260 of 2025

Sunil Uniyal

...Petitioner

Versus

Anil Kumar

....Respondent

Present:-

Mr. Siddhartha Sah, Advocate for the petitioner.

Mr. D.S. Patni, Senior Advocate (through video conferencing)
and Mr. Dharmendra Barthwal, Advocate for the respondent.

Hon'ble Ravindra Maithani, J. (Oral)

The petitioner has brought to the notice of the Court that the order dated 27.06.2024 passed by this Court in WP (S/B) No. 579 of 2017, Uttarakhand Power Corporation Ltd. V. Shri B.M. Bhatt and others ("the petition"), and the order dated 14.02.2025 passed in Clarification Application Nos. (MCC No. 19229 of 2024 and MCC No. 19230 of 2024) in the petition have been wilfully disobeyed.

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

3. In the petition, in para 22 of the judgment, the Court had observed as follows:-

“22. In view of the above discussion, the present Writ Petition are being allowed. The order of the Tribunal is being set-aside. A direction is being given to the Uttarakhand Power Corporation Ltd. to fix the seniority after giving the benefit of seniority to all the Assistant Engineers, who joined in the year 2006-07, 2007-08 & 2008-09 from the date of their joining the department, and keeping in view the rota quota between the direct recruits and the promotees. The entire exercise shall be completed within a period of eight weeks from the date of production of a certified copy of this judgment.”

4. It appears that subsequently some confusion arose with regard to rota quota, therefore, clarification applications were filed and this Court on 14.02.2025, in the clarification applications observed as follows:-

“11. This Court had in clear terms given directions as to what this Court has decided and this has been so stated in para 22 of the judgment. With regard to rota quota as such no direction has been made. The Court has simply stated “...**and keeping in view the rota quota between the direct recruits and the promotees.**”

12. This Court only intends to clarify that rota quota shall be given in accordance with the existing statutory rules/regulations.”

5. Learned counsel for the petitioner submits that the respondent has though given the benefit of joining period, but the selection year has wrongly been displayed in the compliance Office Memorandum dated 04.06.2025. Learned counsel would refer to Sr. No. 61 in the Office Memorandum, which is Annexure 3 to the petition, to argue that the candidate at Sr. No. 61 did join the service on 30.06.2009, which means that he was recruited in the recruitment year 2008-09; but, he has been placed below in the seniority list. There are other candidates as well. Particularly, reference has been made to candidate at Sr. No. 2, who joined on 08.01.2010.

6. Learned Senior Counsel appearing for the respondent submits that the respondent did not commit any wilful disobedience; the candidates have been given the benefit of the Court's order from the date of their joining in the Department, including the period of service, which they had undergone for training. He submits that the seniority has been fixed on the basis of the requisition or the vacancy of the year.

7. In fact, the issue before the Court in the petition was as to whether the seniority would be counted from the date of substantive appointment of a candidate from the date of induction as a trainee or from the date of their substantive appointment in the cadre after completing the training? As stated, in para 22 of the judgment dated 27.06.2024, this Court has categorically stated that the candidate shall be given the benefit of seniority from the date of their joining in the Department. But, the Court wrote a line further i.e. **“and keeping in view the rota quota between the direct recruits and the promotees”**. This is what has been clarified by this Court on 14.02.2025, when the clarification applications were filed.

8. The determination, which has been done by the Court was that a candidate, who joined the Department and thereafter went for training, his period of training shall also be counted while counting his seniority. The issue before the Court was not as to how the rota quota would be applicable between a direct recruit and a promotee. That issue has not been determined.

9. The respondent has given the benefit to the candidate including the period of training, but what is being argued is that rota quota has wrongly been applied between the promotees and the direct recruits. In this contempt petition, this determination cannot be done.

10. During the course of hearing, it is admitted that many candidates have already challenged the seniority list, challenging the manner in which rota quota has been applied.

11. In view of the above, this Court does not see to proceed further in the contempt petition. The contempt proceeding is closed.

(Ravindra Maithani, J.)
03.01.2026

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