



2026:UHC:4385-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

2nd June, 2026

WRIT PETITION (S/B) No. 315 of 2026

Prashant Dobhal and another -----Petitioners

Versus

State of Uttarakhand and another ----Respondents

Presence:-

Mr. Abhishek Divakar Chamoli and Mr. Pankaj Semwal, learned counsel for the petitioners.

Mr. B.S.Parihar, learned Additional Chief Standing Counsel for the State./respondents.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. The petitioners have assailed the order dated 20.04.2026, passed by the Uttarakhand Public Services Tribunal in Claim Petition No. 52/SB/2026 and also the order dated 18.02.2026, whereby the petitioners' claim for promotion to the post of Head of Department (Electronics) has been rejected. The petitioners have also prayed for a writ of mandamus directing respondents to convene and conduct the Departmental Promotion Committee for promotion to the post of Head of Department (Electronics) within a stipulated period of time.



2. It appears that representations filed by the petitioners for their promotion to the post of Head of Department (Electronics) in Government Polytechnics of Shrinagar and Kotdwar have been rejected by the State Government vide order dated 18.02.2026. The petitioners challenging the said order, preferred Claim Petitions bearing Petition No. 52/SB/2026 before the Uttarakhand Public Service Tribunal. The reliefs claimed before the Public Service Tribunal are as follows:

I. Issue an order or direction quashing and setting aside the impugned the office memorandum no.216/XLI-A/2026-रिट-43/25 dated 18.02.2026 along with 217/XLI-A/2026-रिट-43/25 dated 18.02.2026 passed by the Respondent Authority, whereby the representations of the Petitioners have been rejected.

II. Issue an order or direction to direct the respondents to convene and conduct the Departmental Promotion Committee (DPC) for promotion to the post of Head of Department (Electronics) within a stipulated time period and to consider the case of the Petitioners strictly in accordance with their seniority and eligibility as per procedure prescribed in Office memo dated 23.06.2023 (A-9).

III. Issue an order or direction to further direct the respondents to grant all consequential benefits to the petitioners, in accordance with law;

IV. To pass such other or further orders which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case;

V. To award the cost of petition."

3. The learned Tribunal has rejected Claim



Petition observing that no cause of action has arisen in favour of the petitioners to file any Claim Petition. The relevant part of the order of the Tribunal is as follows:

“Heard Ld. Counsel for the petitioners and Ld. A.P.O. on admission.

In view of the reliefs claimed by the petitioners and facts of the case, the Tribunal finds that no cause of action has arisen to the petitioners.

The claim petition is, therefore, no maintainable and is accordingly dismissed.”

4. Learned counsel for the petitioners contends that the claim of the petitioners for promotion to the post of Head of Department (Electronics) was rejected by the State Government *vide* order dated 18.02.2026. Aggrieved thereby, the petitioners preferred the Claim Petition before the Tribunal, as such, it cannot be said that there was no cause of action in favour of the petitioner for approaching the Tribunal.

5. Learned State counsel is unable to support the order of the Tribunal and he very fairly concedes that since the claim of the petitioners for promotion on the post of Head of Department (Electronics) was rejected *vide* order dated 18.02.2026 by the State Government, it cannot be said that the Claim Petition was based on no cause of action.



2026:UHC:4385-DB

6. The order of the Tribunal dated 20.04.2026 is based on total non-application of mind and is accordingly quashed. The matter is remitted back to the Tribunal for deciding the Claim Petition on merits.

7. Accordingly, the writ petition stands allowed.

8. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 02.06.2026
Kaushal