



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA
AND
HON'BLE SHRI JUSTICE SUBHASH UPADHYAY

19TH JUNE, 2026

WRIT PETITION (S/B) No. 375 OF 2026

Smt. Suman Kutiyal.

...Petitioner

Versus

The Secretary, Rural Development
Department and others.

...Respondents

Counsel for the petitioner. : Mr. Yash Bisht, learned counsel.

Counsel for the respondents. : Mr. S.M.S. Mehta, learned Brief Holder
for the State of Uttarakhand.

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

1. The present writ petition has been filed challenging the order dated 19.05.2026 passed by the Uttarakhand Public Services Tribunal, whereby the claim petition filed by the petitioner has been rejected. The order is as follows :

"Dated: 19.05.2026

Present: Dr. N.K.pant, Advocate, for the petitioner.

Sri V.P.Devrani, A.P.O., for Respondents State.

By means of present claim petition, petitioners seek the following reliefs:

"(i) Issue an order or direction calling for the record and directing the respondents to decide the seniority with consequential benefits under GO dated 05-10-2005 by a fresh representation with opportunity to personal hearing.

(ii) Issue an order or direction calling for the record and to direct the respondent to pay the admissible arrear with interest.



(iii) Issue any suitable claim, order of direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

(iv) Award the cost of claim petition in favor of the Petitioner."

Heard learned Counsel for the petitioner and learned A.P.O. at the admission stage.

Brief facts of the case are that the department has issued only a provisional seniority list and no final seniority list has yet been issued. The petitioner has not filed any objections to the tentative seniority list. Therefore, at this stage, no cause of action has accrued to the petitioner and the claim petition is premature.

In view of the reliefs sought and the facts of the case, the Tribunal finds that no cause of action has arisen in favour of the petitioner.

Accordingly, the claim petition is not maintainable and is hereby dismissed at the admission stage."

2. Learned counsel for the petitioner submits that in the previous round, the petitioner had challenged the seniority list prepared earlier by way of a claim petition, and when it was rejected, it was further subjected to challenge in WPSB No. 179/2022. The said writ petition was disposed of by this Court by order dated 09.04.2026. The said order is as follows :-

"Ms. Priyanka Agrawal, learned counsel for the petitioner.

2. Mr. G.S. Negi, learned Addl. C.S.C. for the State.

3. Petitioner has challenged the judgment dated 13.01.2022 rendered by learned Public Service Tribunal in Claim Petition No.06/DB/2022.

4. Learned counsel for the petitioner submits that because of fresh seniority list being issued on 15.09.2025 petitioner do not want to press the writ petition and the writ petition may be disposed of with liberty to the petitioner to challenge the said seniority list before the appropriate forum.

5. In view of the oral prayer made by learned counsel for the petitioner, the writ petition stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum."



3. Thus, the submission of learned counsel for the petitioner is that the order of the Tribunal, rejecting the claim petition, is erroneous.

4. The liberty granted to the petitioner to challenge the seniority list does not mean that even the provisional seniority list, which has yet not attained finality, could be subjected to challenge. As and when the final seniority list is prepared, it shall always be open to the petitioner to challenge the same.

5. Accordingly, the writ petition is dismissed.

6. All pending applications stand disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 19th June, 2026

Rahul

RAHUL
PRAJAPATI

Digital Signature of RAHUL PRAJAPATI
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petition.