



HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

HON'BLE SHRI JUSTICE SUBHASH UPADHYAY

27TH JULY, 2026

SPECIAL APPEAL No. 280 of 2026

- 1: Head Constable 2018 Devendra Singh Nayal
- 2: Head Constable O7 Hareesh Singh
- 3: Head Constable Deepak Kumar Bhatt
- 4: Head Constable 1099 Sundar Singh Bora
- 5: Lavkush Kumar
- 6: Manoj Sharma
- 7: Sanjay Singh Negi
- 8: Narendra Singh Negi
- 9: Praveen Singh
- 10: Lal Singh Bisht
- 11: Dharam Singh Karki
- 12: Kailesh Chander
- 13: Chandra Shekhar Upadhyay
- 14: Parvesh Kumar
- 15: Mahipal Singh
- 16: Brij Mohan Rana
- 17: Ravi Singh Rawat
- 18: Mahender Kumar
- 19: Bharat Ram
- 20: Pradeep Singh

--Petitioners

Versus

- 1: State Of Uttarakhand
- 2: Director General Of Police
- 3: Uttarakhand Police
- 4: Inspector General

--Respondents

Counsel for petitioners. : Dr. Kartikey Hari Gupta, Ms. Irum Zeba
and Mr. Deepak Pandey, learned counsel.

Counsel for the respondents. : Mr. J.C. Pande, learned Standing Counsel
with Mr. M.S. Bisht, learned Brief Holder
for the State of Uttarakhand.

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

Delay Condonation Application (IA No. 01/2026)

1. The appeal is reported to be beyond time by 12 days.

Counsel for the State has no objection to the delay being



condoned. Accordingly, the delay is condoned. The application is allowed. Office is directed to allot a regular number to the instant appeal.

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2. The present intra-court appeal is directed against the order of the learned Single Judge dated 05.05.2026 passed in WPSS/708/2021, whereby the writ petition filed by the appellants-writ petitioners has been decided in terms of judgment dated 18.10.2022 passed in WPSS/2513/2019.

3. The appellants-writ petitioners filed the writ petition seeking a mandamus directing the respondents to consider their candidature for promotion to the post of Platoon Commander/ S.I., against the vacancies arising before 10.03.2019, as per old Rules existing at the relevant time, and not in accordance with the new Rules of 2019.

4. It is not disputed before us that the same controversy was decided against the appellants-writ petitioners in WPSS/2513/2019 by this Court on 18.10.2022. It is also not disputed that the question, as to whether the amended Rules of 2019 would apply even to the existing vacancies, is covered by the judgment of the Supreme Court in the case of ***State of Himachal Pradesh & Others v. Raj Kumar & Others***, reported in ***2022 SCC OnLine SC 680***.



5. Learned Single Judge, having regard to the aforesaid legal position, and the judgment of this Court dated 18.10.2022 passed in WPSS/2513/2019, disposed of the writ petition in same terms, but at the same time granted liberty to the appellants-writ petitioners to make representation with further direction to the respondents to take decision on the representation within three weeks.

6. In view of the undisputed facts noted above, we find no illegality in the order of the learned Single Judge, as may warrant interference in the present intra-court appeal. The issue being already concluded, the learned Single Judge has rightly disposed of the writ petition in terms of the earlier judgment.

7. The appeal is, consequently, dismissed.

8. All pending applications stand disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 27th July, 2026

Rahul
RAHUL
PRAJAPATI