



HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

21st August, 2026

SPECIAL APPEAL NO.357 of 2026

Alok Barthwal

-----Appellant

Versus

Principal Secretary & Another

----Respondents

Presence:-

Mr. Saurabh Kumar Pandey, learned counsel for the appellant.

Mr. B.P.S. Mer and Mr. S.M.S. Mehta, learned Standing Counsel for the State/respondents.

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

1. The present intra-court appeal is directed against the order of the learned Single Judge dated 04.08.2026 whereby the writ petition filed by the appellant challenging an internal communication dated 09.03.2026 by Special Secretary, Uttarakhand Government, addressed to Commissioner, Civil Supplies and Consumer Affairs Department, Uttarakhand, Dehradun, and seeking a mandamus directing the respondents to consider and decide the petitioner's representation dated 09.07.2026 and to amend the Uttarakhand Food, Civil Supplies and Consumer Affairs Department (Supply Branch) Inspector Subordinate Service Rules, 2018, so as to increase the promotion quota of Stenographer / Computer Operator to the post of Supply Inspector from 2% to 5% has been dismissed.

2. The appellant is presently holding the post of Computer Operator / Stenographer in the Supply Department. It appears that under the earlier Service Rules, the promotion quota was 5%, but by the Rules of 2018, the percentage was reduced to 2%. One Pradeep Singh, also a Stenographer working in the Supply Department, filed WPSS No.254 of 2022 before this Court. The said petition was



disposed of by a Co-ordinate Bench of this Court on 21.03.2024, granting liberty to the petitioner therein to make a representation to the Competent Authority, with a further direction to the Competent Authority to take a decision on any such representation within a period of six months. The representation filed by Pradeep Singh was decided by an order dated 20.02.2025, stating that the request for increasing the promotion quota from 2% to 5% would be placed before the Personal Department / Finance Department / Law Department / Uttarakhand Public Service Commission and, thereafter, before the Cabinet. It seems that, thereafter, the Special Secretary, Uttarakhand Government sent the impugned communication dated 09.03.2026, in respect of the representation of Pradeep Singh stating that recently an amended staffing pattern was introduced in the department by which substantial increase was made in number of posts in higher grades, as a result of which there are ample opportunities for promotion within the cadre. It is further stated that the nature of post of Ministerial/ Typist and Supply Inspector is different and therefore instead of filling post of Supply Inspector by promotion, all the posts should be filled by direct recruitment. Accordingly, direction has been issued to place proposal before the government after examining the staffing pattern and the proposed promotional quota.

3. The learned Single Judge has held that in the first instance there is no challenge to the validity of the 2018 Rules, and secondly, the matter still being under consideration, and, the impugned communication only an internal communication, no ground is made



out to quash the same.

4. We fully agree with the reasons given by the learned Single Judge. Admittedly, the quota prescribed at present is 2% and since the validity of 2018 Rules was not under challenge in the writ petition, the relief seeking a direction to the respondents to increase the quota from 2% to 5% could not have been granted, as the same would have been contrary to the prevailing Rules. As far as, challenge to the communication dated 09.03.2026 is concerned, the same is only an internal communication, and admittedly, so far, the Rules have not been amended, to give any cause of action to the petitioner to challenge the same.

5. Accordingly, the appeal is dismissed.

6. Pending application(s), if any, stand disposed of accordingly.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 21.08.2026
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