

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**  
**THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR**  
**AND**  
**THE HON'BLE JUSTICE MR. ALOK MAHRA**  
**Writ Petition (S/B) No.85 of 2025**

Birendra Singh Nabiyal and others                      --Petitioners

**Versus**

State of Uttarakhand and others                      --Respondents

Judgment reserved on 15.07.2025  
Judgment delivered on 30.07.2025

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Presence:-

Mr. Imraj Singh Rautela, learned counsel for the petitioners.  
Mr. P.C. Bisht, learned Addl. C.S.C. for the State.

**JUDGMENT**: (per Mr. Alok Mahra, J.)

Heard learned Counsel for the petitioners and  
learned Addl. C.S.C. for the State.

2.            Briefly put, the case of the petitioners is as  
follows:

According to the petitioners, petitioner no.1 was  
initially appointed on the post of Lekha Parishakh  
(Auditor) on 27.04.1998 and later promoted to the post  
of Senior Auditor, on 29.10.2005; that, petitioner nos. 2  
& 3 were initially appointed on the post of Lekha  
Parishakh (Auditor) on 19.06.1995 and later promoted to

the post of Senior Auditor in the year 2004; and again, petitioners were promoted to the post of Assistant Audit Officer on 30.06.2014 and joined their services as Assistant Audit Officer on 30.06.2014; that, subsequently on 29.01.2021, the petitioners were promoted on the post of Sahayak Nideshak/Lekha Parikshak Adhikari on the Grade Pay ₹5400/-, Level-10; that, in year 2022, one Dinesh Chandra Pandey filed a Claim Petition No.13/NB/DB.2022 before the Uttarakhand Public Services Tribunal claiming that the seniority should be counted from the date of posting of the order of promotion and not from the date of joining; that learned Tribunal vide order dated 14.08.2023 disposed of the Claim Petition and directed that a review DPC be conducted for considering the promotion of the petitioner (Dinesh Chandra Pandey) to the post of Audit Officer from the date his juniors have been promoted and, if he is found fit, he be promoted from the date on which his juniors have been promoted with salary and all other consequential benefits; that, on 18.03.2025, an order was passed by Secretary, Finance, Government of Uttarakhand, whereby respondent nos.4 & 5 were promoted to the post of Sahayak Nideshak/Lekha Parikshak Adhikari; that, thereafter, on 19.03.2025, an order came to be passed by Director, Lekha Pariksha

(Audit), Uttarakhand (respondent no.3), whereby petitioners were informed that they have been reverted from the post of Sahayak Nideshak/Lekha Parikshak Adhikari on a Grade Pay ₹5400/--Level-10 to Sahayak Lekha Parikshak Adhikari on a Grade Pay ₹4800/-Level-8. Thus, feeling aggrieved, petitioners have approached this Court, seeking the following reliefs: -

*"i. Issue a writ, order or directions in the nature of certiorari quashing the order dated 19.03.2025 passed by respondent no.3 which is annexed as Annexure no.1.*

*ii. Issue a writ, order or directions in the nature of certiorari quashing the order dated 18.03.2025 passed by respondent no.1 which is annexed as Annexure no.7.*

*iii. Issue a writ, order or directions in the nature of mandamus directing the respondent authority to reinstate the petitioners back to the post of Sahayak Nideshak/Lekha Parikshak Adhikari on a Grade pay 5400/-Level-10 along with all other consequential benefits."*

3. Learned counsel for the petitioners submits that there was no direction to revert the petitioners and the only direction issued by learned Tribunal was that a review DPC be conducted for considering the promotion of Shri Dinesh Chandra Pandey to the post of Audit Officer from the date his juniors have been promoted and, if he is found fit, he will also be granted promotion from the date on which his juniors was granted

promotion; that, the present petitioners were granted promotion on the recommendation of the duly constituted Departmental Promotion Committee by the concerned department and the impugned order has been passed in violation of principles of natural justice, as no show cause notice was issued to the petitioners and no opportunity of being heard was afforded to the petitioners, before passing the reversion order.

4. Per contra, learned counsel for the State submits that, pursuant to order dated 14.08.2023 passed by learned Tribunal, the review DPC was held on 30.01.2025, but due to non-availability of the vacancies, the decision taken in the earlier DPC dated 04.11.2020, by which petitioners were recommended for promotion to the post of Assistant Director/Audit Officer, has been cancelled and, therefore, the petitioners were reverted from the post of Sahayak Nideshak/Lekha Parikshak Adhikari (Grade Pay ₹5400/- Level-10) to the post of Sahayak Lekha Parikshak Adhikari (Grade Pay ₹4800/- Level-8).

5. From the bare perusal of the order passed by learned Uttarakhand Public Services Tribunal, Bench at Nainital, it is revealed that the Tribunal directed that a review DPC be conducted for considering the promotion

of petitioner (Dinesh Chandra Pandey) to the post of Audit Officer from the date his juniors have been promoted and, if he is found fit, he be promoted from the date on which his juniors have been promoted with salary and all other consequential benefits.

6. Having considered the facts and circumstances of the case, we are of the considered opinion that since the petitioners were granted promotion on 29.01.2021 to the post of Sahayak Nideshak/Lekha Parikshak Adhikari (Grade Pay ₹5400/-, Level-10) on the recommendation made by duly constituted Departmental Promotion Committee and, after rendering satisfactory service for a period of more than four years on the promotional post, they ought not to have been reverted back to the post of Sahayak Lekha Parikshak Adhikari (Grade Pay ₹4800/- Level-8).

7. Even otherwise, reduction to a lower post, grade, or time scale is a major penalty, as enumerated under Section 3 (b) (ii) of the Uttarakhand Government Servant (Discipline and Appeal) Rules, 2003, the procedure for imposing major penalties can be imposed only after following procedure prescribed under Rule 7 of the Rules, 2003. It is settled proposition of law, reversion to a lower post, grade, or time scale entails civil

consequences, and it could not be inflected without following the procedure, as prescribed under the law. Admittedly, in the present case, the petitioners have been reverted without following the procedure as prescribed under the law.

8. In such view of the matter, the impugned order dated 19.03.2025 cannot be sustained in the eyes of law and is liable to be set aside and is hereby set aside. The writ petition stands allowed. The respondents are directed to permit the petitioners to discharge duties on the post of Sahayak Nideshak/Lekha Parikshak Adhikari (Grade Pay ₹5400/-, Level-10) on which they were promoted & had been discharging their duties before their reversion.

9. There shall be no order as to costs.

**(G. NARENDAR, C. J.)**

**(ALOK MAHRA, J.)**

Dated: 30.07.2025  
BS