

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Special Appeal No.176 of 2010

Kanti Toliya

.....Appellant

Versus

State of Uttarakhand and others

....Respondents

Ms. Menka Tripathi, Advocate for the appellant.

Mr. K.P. Upadhyay, Addl. C.S.C. for the State/respondents.

Dated: 30th September, 2010

**Coram: Hon'ble Tarun Agarwala, J.
Hon'ble V.K. Bist, J.**

Hon'ble Tarun Agarwala, J. (Oral)

The Special Appeal has been filed against the judgment and order of the learned Single Judge dated 29.07.2010, whereby, the claim of the petitioner/appellant for calculating her seniority w.e.f. 23rd January, 1990, has been rejected. It transpires that the appellant was appointed on an ad-hoc basis and, subsequently, her service was regularized by an order dated 10th November, 1995. As per rules applicable in the Government service, the seniority has to be calculated from the date of substantive appointment. Since, the appellant was given a substantive appointment when she was regularized on 14th November, 1995, her seniority would be calculated from that date only and her claim that her seniority should be calculated from 23rd January, 1990, does not appear to be in consonance with the Rules.

2. In view of the aforesaid, we do not find any error in the order passed by the learned Single Judge.
3. The appeal is dismissed.

(V.K. Bist, J.)

30.09.2010

(Tarun Agarwala, J.)

30.09.2010

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