

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
AT DEHRADUN**

**REVIEW APPLICATION NO. 06/SB/2024  
[IN CLAIM PETITION NO. 22/SB/2023]**

1. Managing Director, Uttarakhand Transport Corporation, Head Quarter, Dehradun.
2. General Manager (Personnel), Uttarakhand Transport Corporation, Head Quarter, Dehradun.
3. Finance Controller, Uttarakhand Transport Corporation, Head Quarter, Dehradun.

**.....Review applicants**

**VERSUS**

1. Sri Praveen Kumar Bharti s/o Sri Mohan Singh, r/o F-2, H.No. 4, Upper Natthanpur, Near Ambiwala, Gurudwara Natthanpur, Dehradun.
2. State of Uttarakhand through its Secretary, Transport, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.

**.....Respondents/O.Ps.**

Present: Sri Vaibhav Jain (online) & Sri Ramdev Sharma, Advocates, for the review applicants.  
Sri L.K.Maithani & Sri R.C.Raturi, Advocates, for the petitioner (O.P. No.1).  
Sri V.P.Devrani, A.P.O., for O.P. No.2.

**JUDGMENT**

**DATED: NOVEMBER 20, 2025**

**Justice U.C.Dhyani (Oral)**

Present review petition has been filed on behalf of Respondent Managing Director, Uttarakhand Transport Corporation, and two others (review applicants herein), against petitioner Sri Praveen Kumar Bharti (opposite Party No.1 herein) and another, for reviewing order dated 29.04.2024, passed in Writ Petition No. 341(S/B) 2020

[reclassified and renumbered as Claim Petition No. 22/SB/2023, Praveen Kumar Bharti vs. Uttarakhand Transport Corporation and others].

2. A bunch of petitions was decided by the Tribunal on 29.04.2024. Present review pertains to the same bunch. Parties to other claim petitions have no qualms against the decision rendered in their claim petitions. Only the respondents of claim petition No. 22/SB/2023 have filed review for reviewing the decision of this particular single claim petition.

3. Relevant paragraphs of the common judgment and order dated 29.04.2024 read as under:

“17 The answers to the questions posed in para 11 of the judgment are-

(i) Post retiral benefits payable to the retired employees, under different heads, including payment of gratuity etc. cannot be withheld by the employer in view of decision rendered by Hon’ble Apex Court in State of Punjab vs. Rafiq Masih, (2015) 4 SCC 334 and hosts of other decisions.

(ii) The excess payment made to Group ‘C’ and Group ‘D’ employees, cannot be recovered by the employer in view of Situations (i) & (ii) of the decision rendered in Rafiq Masih’s case (*supra*).

(iii) The question is replied in the manner that although re-fixation can be done but on re-fixation of pay scale and pension, there shall not be recovery of any amount already paid to the employee in view of decision rendered by Hon’ble Supreme Court on 21.03.2022 in Civil Appeal No.1985 of 2022, State of Maharashtra and another vs. Madhukar Antu Patil and another.

18. It is the submission of Ld. Counsel for the petitioners that the controversy in hand is squarely covered by the decision rendered by Hon’ble High Court of Uttarakhand in WPSS No. 1593/2021, Balam Singh Aswal vs. Managing Director and others and connected writ petitions, which has been affirmed by the Division Bench of Hon’ble High Court in Special Appeal No. 245/ 2022, Managing Director, Uttarakhand Transport Corporation, Dehradun and others vs. Ashok Kumar Saxena and connected Special Appeals. Ld. Counsel for respondents do not dispute such contention. Ld. Counsel for the parties submitted that present petitions may be disposed of in terms of the aforesaid decisions.

20. The above noted petitions are, accordingly, decided in terms of judgment dated 14.06.2022 passed by the Hon’ble High Court of Uttarakhand in WPSS No. 1593/2021, Balam Singh Aswal vs. Managing Director and others and connected writ petitions, which has been affirmed

by the Division Bench of Hon'ble High Court on 04.04.2024 in Special Appeal No. 245/ 2022, Managing Director, Uttarakhand Transport Corporation, Dehradun and others vs. Ashok Kumar Saxena and connected Special Appeals.”

4. Having heard Ld. Counsel for the review applicants and Ld. counsel for the petitioner (O.P.No. 1 herein), the Tribunal finds that Sri Praveen Kumar Bharti's decision is not covered by the decision rendered by Hon'ble High Court in Balam Singh Aswal's decision (*supra*), which was affirmed by the Division Bench of Hon'ble Court in Ashok Kumar Saxena's Special Appeal (*supra*). The reasons are as follows:

- (i) Sri Praveen Kumar Bharti was not a Group 'C' or Group 'D' employee when recovery order was issued. He was a Group 'B' employee.
- (ii) Ms. Neetu Singh, Ld. Counsel for petitioner (O.P. No.1) submitted that Sri Bharti has now retired, but the fact remains that when recovery order was passed, he had not retired. In a nutshell, Sri P.K. Bharti was not retired employee when recovery was made from him.
- (iii) Recovery was not made from the retiral dues of Sri Bharti, but from his salary. Hence, his case is not covered by Balam Singh Aswal's case (*supra*).
- (iv) Recovery order was passed on 20.01.2018. Sri P.K.Bharti retired on 31.12.2023. Recovery was not made within a period of five years.
- (v) It is also not the case of recovery from a retired employee, who is due to retire within one year.

5. Sri Praveen Kumar Bharti's case, for sure, is not covered by Balam Singh Aswal's case (*supra*), hence the same would not be applicable to him.

6. Since it is an error apparent on the face of record and mistake on material facts, therefore, the review petition should be allowed and the claim petition should be restored to its original number. Ld. Counsel for the parties agree to it.

7. Claim Petition No. 22/SB/2023, Praveen Kumar Bharti be deleted from the array of parties in (Bunch) decision dated 29.04.2024.
8. The review petition is allowed. The claim petition No. 22/SB/2023 is restored to its original number.
9. List on 09.12.2025 for hearing.

**(ARUN SINGH RAWAT)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: NOVEMBER 20, 2025*  
*DEHRADUN*

*VM*