

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIUBUNAL,
DEHRADUN**

Present: Hon'ble Mr. Rajendra Singh

.....Vice Chairman (J)

Hon'ble Capt. Alok Shekhar Tiwari

.....Member (A)

**ORDER
IN
DELAY CONDONATION APPLICATIONS
IN
REVIEW APPLICATION NO. 17/NB/DB/2025**

State of Uttarakhand & others

Vs.

Priyanka Singh & another

Present: Sri Kishore Kumar, A.P.O.,
for the respondents no. 1 to 3 (review applicants)
Sri S. C. Virmani & Sri S. K. Jain, Advocates,
for the petitioner no.1 (respondent herein)
Sri Amar Murti Shukla, Advocate,
for the petitioner no.2 (respondent herein)

&

REVIEW APPLICATION NO. 09/DB/2025

State of Uttarakhand & others

Vs.

Deepak Purohit

Present: Sri V.P. Devrani, A.P.O.,
for the respondents no. 1 to 3 (review applicants)
Sri Amar Murti Shukla, Advocate,
for the petitioner (respondent herein)

DATED: DECEMBER 24, 2025

In the present aforesaid delay condonation applications supported with an affidavit, filed alongwith the review application, the review applicants (respondents no. 1 to 3) have taken the following grounds:

- i. After consultation and advice of the Personnel Departments, Finance Department and Law Department. The Law Department vide its letter dated 18.11.2025 requested the Assistant Presenting Officer Uttarakhand Public Service Tribunal Dehradun to prepare and file review petition against the judgment order dated 06.03.2025 passed by the Hon'ble Tribunal in claim petition no. 67/NB/DB/2022 (Priyanka Singh & another vs. State & others) & Claim Petition No. 91/DB/2022 (Deepak Purohit vs. State & others) before the Hon'ble Tribunal.
- ii. Thereafter, the respondent department pursuant to the letter of the Law department vide letter dated 25-11-2025 requested the Assistant Presenting Officer Nainital Bench to prepare and file the review application on the advice of the Law Department.
- iii. Thereafter the Chief Agriculture Officer Nainital contacted to the Assistant Presenting Officer at Nainital on 26-11-2025 and thereafter the Assistant Presenting officer prepared the review application along with delay condonation application without any further delay.
- iv. The delay in filing the present review application occurred due to procedural requirements / formalities involved in the different sections of the Secretariat & Agriculture Dep. of Uttarakhand hence the delay is explained bona fide, unintentional, and not deliberate & same is liable to be condoned by this Hon'ble Tribunal. There is a delay of near about 267 days in filing present review application which is neither deliberate nor intentional.

Hence, the delay condonation application may kindly be allowed and the delay of 267 days in filing the review applications be condoned.

2. Learned Counsel for the petitioner no. 1 (respondent herein) has filed objections to the delay condonation application contending therein that no review or recall application is entertainable under Rule 17(1) of the Uttar Pradesh Service Tribunal (Procedure) Rules, 1992 read with section 114 with order 47 of the Code of Civil Procedure, 1908, as the order dated 06-03-2025 has been reconfirmed after the dismissal of the Review Petition filed between the parties on 27-10-2025, and confirmation of the Execution Petition and giving an opportunity to the State Government and to the private parties, all were heard in the Review Petition. The opportunity was given by the Hon'ble Tribunal to the State Government and the applicants in the Execution Application No. 17/DB/2025. This

Hon'ble Tribunal in order dated 27-10-2025 after hearing both the parties and recording the statements of the APO, has closed all the liberties to the State Government and allowed the Execution Petition and made the judgment binding upon the respondent department and directed the Government to comply with immediate effects to the Tribunal Judgment dated 06-03-2025 and in case the order of the Hon'ble Tribunal is not complied within 30 days, then the petitioner would be at liberty to file the contempt petition for non-compliance of its Tribunal's order. On 27-11-2025, a Contempt Petition has been filed against the petitioners in compliance of the order of the Tribunal dated 27-10-2025, which has been registered as Contempt Case No. 20/DB/2025 and Contempt notices have been issued to the Contemnor. The petitioners have a knowledge of the order dated 06-03-2025 from its State, continued the same and malafidely disobeyed it and then from the date of filing the Execution petition lethargically, voluntarily, disobeying it and not following the instructions of the learned APO to promote the petitioner and then suddenly somersaulted and is present before the Hon'ble Tribunal and filed an appeal as a guise under review. The petition of the petitioner is not maintainable and delay condonation application is also not maintainable and in every case there is no sufficient ground for the respondents who are the contemnors. It is incorrect to say that the delay of 267 days is not deliberate, unintentional, bonafide or is liable to be condoned. The contents of the review petition as well as the delay condonation is a matter of records created by the petitioners and has not been true before the Hon'ble Tribunal and is malafide and is liable to be rejected with costs.

3. Heard learned Counsel for the parties on the delay condonation application

4. Sri Kishore Kumar, Learned Assistant Presenting Officer, Uttarakhand Public Services Tribunal, Bench at Nainital, appearing for the respondents No. 1, 2 & 3 has pleaded before the Tribunal for allowing the delay Condonation Application filed by the Respondent Nos. 1, 2 & 3. He has admitted that there is a delay of 267 days' in filing the review application against the Tribunal's judgment dated 06.03.2025, nevertheless, in the Delay Condonation Application the reasons for delay have been explained on day-to-day basis. He also emphasized that this matter at hand is a very complicated matter of law regarding the fixation of

seniority and the resultant promotion, after discarding the Old Rules and adopting the New Ones. Further, this matter at hand entailed detailed discussions between the Directorate and Government, as also between different Departments at the Secretariat level. Therefore, the time consumed in submitting the review application would naturally be a long period. There are instances where even the delays of 02 years or more have been condoned by the Hon'ble Apex Court and other Hon'ble High Courts' also, depending upon the circumstances of the case. There are important rulings also supporting the condonation of delay, particularly where the Government has delayed the matter. Learned A.P.O. has relied upon *Inder Singh Vs. The State of Madhya Pradesh* decided on 21 March, 2025 & Civil Appeal No. 5867 of 2015 "*SHEO RAJ SINGH (DECEASED) THROUGH LRS. & ORS VS. UNION OF INDIA & ANR*", wherein, the Hon'ble Apex Court has observed as follows:-

"37. Having bestowed serious consideration to the rival contentions, we feel that the High Court's decision to condone the delay on account of the first respondent's inability to present the appeal within time, for the reasons assigned therein, does not suffer from any error warranting interference. As the aforementioned judgments have shown, such an exercise of discretion does, at times, call for a liberal and justice-oriented approach by the Courts, where certain leeway could be provided to the State. The hidden forces that are at work in preventing an appeal by the State being presented within the prescribed period of limitation so as not to allow a higher court to pronounce upon the legality and validity of an order of a lower court and thereby secure unholy gains, can hardly be ignored. Impediments in the working of the grand scheme of governmental functions have to be removed by taking a pragmatic view on balancing of the competing interests."

5. Learned Advocates for the petitioners Sri S. C. Virmani and Sri S. K. Jain for the petitioner vehemently opposed the Delay Condonation Application and emphasized that the respondents (the Government and the Department) have not come before the Tribunal with clean-hands in this matter of Review Application, as they took the Tribunal's judgment dated 06.03.2025 very lightly, and kept on dilly-dallying the matter till the time the Tribunal allowed the Execution Application of the petitioners on 27.10.2025. Only after that the respondents made-up their minds to file the review application. This is evident by the Government Order dated letter No. 339221/-35444/XIII-I/2025 dated 17.10.2025, which was drafted in the form of a Government Order, but was addressed to the learned Assistant Presenting Officer, Uttarakhand Public Services Tribunal,

Dehradun. The learned Counsels for the petitioners also relied upon the following rulings in SLP (Civil) 10704 of 2019, Shivamma (dead) through LRs Versus Karnataka Housing Board and others decided on 12.09.2025 & NBCC India Versus States of West Bengal and others decided on 10.01.2025.

6. Nevertheless, the prayer of Sri Amar Murti Shukla's, learned Counsel for the petitioner no. 2 (in review application no. 17/NB/DB/2025) and petitioner (in review application no. 09/DB/2025), was that he has no objection against the delay condonation, but after allowing the Delay Condonation Application of the respondents, the review should be heard at the earliest.

7. Sri V. P. Devrani, Learned Assistant Presenting Officer also prayed before the Tribunal for delay condonation stating that the files movement between various Departments at the Secretariat levels takes quite some time to crystallize the matter, therefore, the intention of the respondents should not be suspected upon.

8. Learned Counsel for the petitioner Sri S. C. Virmani stated that Delay Condonation Application should not be allowed as the Government has not acted in good faith, so much so that they did not act in time even after giving an undertaking before the Tribunal for compliance of the Tribunal's judgment date 06.03.2025.

9. The Tribunal has perused the Delay Condonation Application. This application has explained in detail as to why a time period of 267 days was lapsed before filing the review application. So much so that it has catalogued the entire movement of the concerned file between the Departments on day-to-day basis. No doubt that the attitude of the respondents during the Tribunal's hearing on the Execution Application had been lack lustre, nevertheless, one has to keep in mind the fact that the Government or the Department is not a single person, rather it is an aggregation of very many peoples where it does take time to finally settle the course of action and meeting of minds in complicated matter like this one.

10. So far as the Hon'ble Apex Court's rulings relied upon by both the sides is concerned, there is no doubt that the decision to condone, or

not to condone, would always depend upon the merit of the case. Therefore, it is always in favour of natural justice that the real matter should be heard at length after condoning the delay, if any.

11. Accordingly, the Delay Condonation Applications filed by the review applicants in both the review applications are allowed and the delay in filing the review applications is hereby condoned.

12. List on 21.01.2026 for hearing on review applications.

13. Let a copy of this order be placed on the file of Review Application no. 09/DB/2025, State of Uttarakhand & others vs. Deepak Purohit.

CAPT. ALOK SHEKHAR TIWARI
MEMBER (A)

RAJENDRA SINGH
VICE CHAIRMAN (J)

DATED: DECEMBER 24, 2025
DEHRADUN/NAINITAL
KNP/BK