

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

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CLAIM PETITION NO. 39/DB/2026

Prempal Singh, aged about 61 years, s/o Sri Babu Singh, Retd. Lecturer, G.I.C. Kalsi, r/o Vidya Vihar, Phase-2, Kargi Road, District-Dehradun.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Education, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Director of Education, Intermediate Education Uttarakhand, Nanoorkheda, Sahastradhara Road, Dehradun.
3. Additional Director of Education, Intermediate Education, Garhwal Mandal, Pauri, Uttarakhand.
4. Chief Education Officer, Department of Education, Mayur Vihar Sahastradhara Road, Dehradun.
5. Chief Treasury Officer, Treasury, Dehradun.

.....Respondents

Present: Sri L.K.Maithani, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: MARCH 16, 2026

Sri Rajendra Singh, Acting Chairman

By means of present claim petition, petitioner seeks the following reliefs:

“i. To issue an order or direction to the respondents to count the service of the petitioner for the pensionary benefits from the date 09.09.1995, when the petitioner joined the post of Assistant Teacher L. T. (Science/Maths) after due selection through U.P. Subordinate Service Selection Commission, Lucknow and recalculate the retrial dues i.e, the amount of monthly pension, gratuity, commutation and leave encashment and paid accordingly with interest from the date of retirement upto the date of actual payment to the petitioner.

ii. To issue an order or direction to the respondents to pay the interest as per GPF rate to the petitioner on the delayed payment of the amount monthly pension, gratuity and commutation.

iii. To issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

iv. -Cost of the petition will be awarded to the petitioner.”

2. It is the submission of Ld. Counsel for the petitioner that petitioner was given regular appointment after selection as Assistant Teacher L.T. Grade through Uttar Pradesh Subordinate Service vide combined appointment order dated 24.08.1995. Petitioner jointed on the said post on 09.09.1995. Thereafter, service benefits *i.e.* promotions e.t.c. were given to the petitioner. Petitioner retired on 31.12.2024, after attaining the age of superannuation.

3. In the year 2002, vide order dated 25.11.2002 service of the petitioner was regularized, ignoring the fact that vide order dated 24.08.1995 petitioner was given regular appointment.

4. After retirement, petitioner was entitled to the pension and other retiral dues from 24.08.1995/ 09.09.1995. But, Respondent No.5, counted the qualifying service of the petitioner for the eligibility of pension from the date of regularization *i.e.* 25.11.2002.

5. At the very outset, Ld. A.P.O. objected to the maintainability of the claim petition on the ground that the same is barred by limitation, as the period of limitation for filing a reference before this Tribunal is one year in view of Section 5(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (as applicable to Uttarakhand). Ld. A.P.O. also argued that petitioner has moved a representation to

Respondent No.2 on 14.10.2025 , which has not been decided by the authority concerned as yet. It is also submitted by Ld. A.P.O. that petitioner has not made any prayer for direction to the respondent authority to decide his representation.

Section 5(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976, reads as under:

“5- (1)

(b) The provisions of the Limitation Act, 1963 shall mutatis mutandis apply to reference under section 4 as if a reference were a suit filed in civil court so, however, that:-

(i) Notwithstanding the period of limitation prescribed in the Schedule to the said Act, the period of limitation for such reference shall be one year”

6. It is noticed that the petitioner retired from service on 31.12.2024, whereas the present claim petition has been filed on 13.03.2026. Petitioner has not approached the Tribunal within time. Thus, there is a considerable delay in filing the present petition.

7. The Tribunal also observed that petitioner’s representation dated 14.10.2025 is pending before the respondent authority. The petitioner neither awaited the decision on his representation nor sought a direction to the respondent authority to decide his representation.

8. In view of the above the claim petition is barred by limitation in view of the Section 5(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (as applicable to Uttarakhand). Hence, the claim petition is not maintainable and is accordingly dismissed, at the admission stage.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(RAJENDRA SINGH)
ACTING CHAIRMAN

DATE: MARCH 16, 2026.
DEHRADUN

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