

**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.37/SB/2026

Sri Ashu, aged about 32 years, s/o Sri Baburam, at present working and posted on the post of Constable No. 436, Civil Police, Uttarakhand Police, Police Line, Dehradun.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Home, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Inspector General of Police, Garhwal Region, Uttarakhand, Dehradun.
3. Senior Superintendent of Police, District Dehradun.

.....Respondents

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

JUDGMENT

DATED: MARCH 13, 2026

Sri Arun Singh Rawat, Vice Chairman (A)

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

“i.To quash the impugned punishment order dated 05.03.2024 (Annexure No. A-1) and impugned order dated 27.04.2024

(Annexure No. A-2) passed by the respondent no.3 and impugned order dated 09.01.2026 (Annexure No. A-3) passed by the respondent no.2 with its effects and operation and with all consequential benefits and remove / expunge the censure entry from the character roll of the petitioner.

ii. To issue an order or direction to the respondents to pay the remaining pay and allowances of the suspension period to the petitioner.

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

iv. Award the cost of the petition to the petitioner.”

2. Petitioner has filed affidavit in support of the claim petition. Relevant documents have also been brought on record along with the same.

3. Petitioner was placed under suspension vide order dated 08.08.2023, passed by Respondent No.3 on the allegation that he was found drunk and wearing slippers while on duty. During the medical examination, he was found to be under the influence of alcohol. A preliminary enquiry was conducted and in the preliminary enquiry report dated 27.10.2023, petitioner was found guilty of charge levelled against him.

4. Subsequently, the suspension order of the petitioner was revoked. A show cause notice dated 20.12.2023 was issued to the petitioner regarding the proposed entry of censure, to which the petitioner submitted his reply.

5. Vide impugned order dated 05.03.2024 (Annexure: A-1) petitioner was awarded punishment of censure entry for the year 2024. Petitioner filed department appeal, with delay, on account of an accident, in which he sustained injury and remained in coma. After recovering from his illness, only then he preferred the departmental appeal on 05.03.2024 (Annexure: A-8) before the appellate authority *i.e.* Respondent No.2. However, the departmental appeal of the petitioner was not admitted vide order dated 09.01.2026, on the ground of delay (Annexure: A-3).

6. Sri L.K.Maithani, Ld. Counsel for the petitioner made an innocuous prayer that the appellate authority may be directed to decide the departmental appeal of the petitioner dated 05.03.2024, on merit, after condoning the delay in filing the same, in accordance with law. Ld. A.P.O. has no objection if a direction is given by the Tribunal to the appellate authority to decide the departmental appeal of the petitioner, in accordance with law.

7. The disciplinary authority and appellate authority are quasi judicial authorities. Section 5 of the Limitation Act is applicable to the appeals (and applications, not the suits). If sufficient cause is shown, delay in filing the appeal may be condoned.

8. Section 5 of the Limitation Act, 1963 reads as below:

5. Extension of prescribed period in certain cases.—Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.

[Emphasis supplied]

9. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by directing the appellate authority to decide the departmental appeal of the petitioner on merit, in accordance with law. Considering the peculiar facts of the case, delay in filing the departmental appeal is condoned, in the interest of justice.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: MARCH 13, 2026.
DEHRADUN

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