

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

Present: Hon'ble Mr. Rajendra Singh,
.....Acting Chairman
Hon'ble Mr. A.S.Rawat,
.....Vice Chairman (A)

CLAIM PETITION NO.73/NB/DB/2025

Chandra Shekhar Pant Aged about 64 Years (Male) S/o Late R.D. Pant, R/o Maya Bhagirathi Colony, Haripur Nayak, Kusumkhera, Haldwani, District Nainital.

.....**Petitioner**

Vs.

1. State of Uttarakhand through Secretary, Animal Husbandry Department, Government of Uttarakhand, Dehradun.
2. Director of Animal Husbandry, Uttarakhand, Dehradun.
3. Additional Director Animal Husbandry, Kumaon Mandal, Haldwani, District Nainital.
4. Chief Veterinary Officer, Nainital, District Nainital.

.....**Respondents**

Present: Sri Harendra Belwal, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondents

JUDGMENT

DATED: JULY 08, 2026

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

- “a) To set aside the impugned order no. 923 / LFkk0 , d@ dks0ds0 M^aslj @2023-24/dated 27.05.2023, passed by the Director of Animal Husbandry, Uttarakhand, Dehradun i.e. respondent no. 2 (Annexure No. 1 to Compilation-I).*
- b) To direct the respondents departments to grant promotional pay scale to the petitioner after completing 14 years satisfactory service of Dresser in Animal Husbandry Department in pursuant to the Government Order dated 12.03.2001, on the notionally basis.*

c) To direct the respondents departments to give promotional pay scale to the petitioner after completing 14 years satisfactory service in the Animal Husbandry Department as granted to the similarly situated Dresser in the Government Industrial Training Institute, Uttarakhand on the notionally basis along with its arrear including interest at the rate 18% per annum.

d) Issue any other suitable order or direction in favour of petitioner, which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

e) Award cost of claim petition in favour of petitioner.”

2. Brief facts of the case are as under:

2.1 The petitioner was appointed on the post of Class IV, Group D in Animal Husbandry Department 14.08.1983. He was promoted on the post of Dresser vide order dated 21.07.1994 and posted at Hospital Bamanswal Block Dhauladevi. Vide order dated 30.06.2009, the pay scale of the petitioner was revised from 01.08.2006 in the pay scale of Rs. 2610-60-3150-65-3735.

2.2 The similarly situated Dresser in the Industrial Training Institute (I.T.I.) working in the different districts were not granted promotional pay scale on the post of Pharmacist after completing 14 years service on the post of Dresser. They filed Writ Petition No. 253 of 2011 (S/S) before the Hon'ble High Court of Uttarakhand and the Hon'ble High Court of Uttarakhand allowed the writ petition vide order dated 16.04.2013 and directed to respondents department to give benefits of revised pay scale along with arrears, similar to the trained Pharmacist is given. The Dresser of Government Industrial Training Institute were granted promotional pay scale after counting 14 years satisfactory service on the post of Dresser.

2.3 The petitioner made representation on 11.04.2014, before Secretary, Animal Husbandry Department for granting the promotional pay scale after completing 14 years satisfactory service on the post of Dresser. On the representation of petitioner, the Secretary, Animal Husbandry, Government of Uttarakhand directed

to the Director of Uttarakhand Animal Husbandry, Dehradun to take action in the matter of petitioner according to law and also informed to the petitioner as well as government.

2.4 The Director, Animal Husbandry, Uttarakhand, Dehradun vide his letter dated 23.12.2014, mentioned that the Dresser in Animal Husbandry Department appointed on the basis of Educational Qualification and Dresser in I.T.I. are appointed after training and further stated that in the Animal Husbandry Department earlier the qualification of Veterinary Pharmacist were appointed from the candidates who were working on the post of Dresser and thereafter they have been provided training of Veterinary Pharmacist and further mentioned that under the Uttarakhand Animal Husbandry Pharmacist Service Rules, 2010 and amended Pharmacist Service Rules, 2011.

2.5 The qualification for the post of Pharmacist is Intermediate Science with Diploma in Pharmacy and in Uttarakhand there is no Service Rules of Dresser in Animal Husbandry Department and further mentioned that the Dresser working in I.T.I., their pay scale has been revised in compliance of order of Hon'ble High Court of Uttarakhand.

2.6 The petitioner is claiming for benefit of promotional pay scale on the post of Pharmacist after completing 14 years satisfactory service on the post of Dresser. He is entitled to get the promotional pay scale after completing 14 years satisfactory service on the post of Dresser and the next promotional pay scale is Veterinary Pharmacist. The State of U.P. issued Government order dated 02.12.2000, in which in para 2 it is provided that the employees who have completed 14 years continuous satisfactory service on the post and also has been regularized, will get next promotional pay scale.

2.7 The petitioner is not claiming for promotion on the post of Veterinary Pharmacist and he is claiming only for promotional pay scale after completing 14 years satisfactory service on the post of

Dresser. Similarly situated Dresser who are working in Government Industrial Training Institute, they are getting promotional pay scale after completing 14 years satisfactory service on the post of Dresser. The work and duty of Dresser of Animal Husbandry Department and Government Industrial Training Institute are equal and qualification of both the department is Intermediate Science and next promotional post of Dresser is Pharmacist.

2.8 The petitioner had filed a writ petition before the Hon'ble High Court of Uttarakhand, bearing WPSS No. 2543 of 2015, which was transferred before the Learned Public Service Tribunal, Dehradun, same was registered as Claim Petition No. 93/NB/DB/2022, which was decided by this Tribunal vide order dated 09.01.2023 with the directions to the respondent department to reconsider the case of the petitioner in the light of the decision rendered by the Hon'ble High Court of Uttarakhand in WPSS No. 253 of 2011 (S/S) Shiv Dutt Singh Pal and Others Vs. State of Uttarakhand and Others (corrected vide order dated 30.05.2013).

2.9 The respondent department rejected the claim of the petitioner, ignoring the clearcut direction vide impugned order dated 27.05.2023. The petitioner challenged the said order before the Hon'ble High Court by filing WPSS No. 683 of 2024. The said writ petition was dismissed by the Hon'ble High Court of Uttarakhand on 14.05.2024. The operative portion of the Judgment and order dated 14.05.2024, is being reproduced as hereunder:-

“.....3. The matter relates with seniority dispute between the parties and in earlier round of litigation, the petitioner has approached the Public Services Tribunal for redressal of his grievance and the Tribunal vide order dated 09.01.2023 has directed the respondent-Department to decide the dispute between the parties, but the respondent-Department vide order dated 27.05.2023 rejected claim of the petitioner of seniority vis-à-vis the private respondents.

4. Since the matter was earlier taken note of by the Public Services Tribunal, therefore the petitioner is directed to approach the Public Service Tribunal for redressal of his grievance by filing a claim petition, in accordance with law.

5. Accordingly, the writ petition stand dismissed.

3. Thereafter, the petitioner approached this Tribunal by filing present claim petition only on 13.10.2025 with delay of 467 days. The petitioner has also filed a delay condonation application along with the claim petition, to condone the delay in filing the claim petition, in which, it has been mentioned that the petitioner had filed writ petition before the Hon'ble High Court of Uttarakhand at Nainital bearing WPSS No. 683 of 2024, titled as Chandra Shekhar Pant Vs. State of Uttarakhand and others, same was dismissed on 14.05.2024, directing the petitioner to approach the Public Service Tribunal for redressal his grievances by filing a Claim Petition. After obtaining the certified copy of the judgment and order dated 14.05.2024, but due to illness and adverse family conditions as well as financial condition theretoo, the petitioner could not approach to his counsel to draft the Claim Petition in time and after recovering from his illness, the petitioner approached his counsel to draft the Claim Petition in the first week of September, 2025. The delay of the filing of the Claim Petition is not deliberate or intentional, therefore, the delay of 467 days in filing the claim petition may kindly be condoned, in the interest of the justice.

4. The claim petition came up for hearing on admission on 14.10.2025. During the course of hearing on admission, learned A.P.O. appearing on behalf of the respondents objected to the maintainability of the claim petition on the ground of delay. The respondents filed objections to the delay condonation application on the ground that as per Section 5(1) (b) (1) of the U.P. Public Services Tribunal Act, 1976, as applicable in the State of Uttarakhand, the period of limitation for filing such reference is only one year from the date of order, passed against the petitioner, whereas, the present claim petition has been preferred beyond the prescribed period of limitation. The petitioner has challenged the order dated 27.05.2023 in the petition, but has not explained any delay in filing the claim petition. However as per the online case status system of the Hon'ble

High Court the petitioner has filed the writ petition no. 683 of 2024 S/S "Chandra Shekhar Pant Vs. State of Uttarakhand and others" on 22-04-2024 and the Hon'ble High Court dismissed the writ petition on 14-05-2024 on the ground of alternative remedy. The petitioner, thereafter kept mum on the issue and did not approach this Tribunal immediately after dismissal of the writ petition. The petitioner has stated that he was not well but did not file any medical certificate in support of his contentions, which is not a sufficient ground for condonation of delay. The petitioner in the affidavit filed in support of the delay condonation application has stated that he has contacted to the counsel in the first week of the September 2025 but failed to explain the delay from 14-05-2024 to 10-10-2025. Thus the claim petition is highly time barred and is liable to be dismissed on this ground alone.

5. Learned Counsel for the petitioner has also filed reply to the objections filed on behalf of the respondents stating therein that due to illness of the petitioner, he did not approach the concerned Court. The payment of the salary and Gratuity gave rise to a recurring cause of action each time salary is paid. In support of this version, he has cited the case of Hon'ble Supreme Court, *Tarsem Singh (Union of India and Others v. Tarsem Singh)*. The Hon'ble Supreme Court summarized the position of delays and laches, especially in a case when pensionary reliefs are sought. In para-7, the Hon'ble Supreme Court observed as hereunder:-

"7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the

settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

6. We have heard both the sides on the delay and perused the record.

7. Present claim petition has been filed preferred by the petitioner for quashing/setting aside the impugned order dated 27.05.2023 passed by the respondent no. 2 whereby claim of the petitioner was rejected. The petitioner challenged the said order before the Hon'ble High Court by filing WPSS No. 683 of 2024. The said writ petition was dismissed by the Hon'ble High Court of Uttarakhand on 14.05.2024 with the directions that- Since the matter was earlier taken note of by the Public Services Tribunal, therefore the petitioner is directed to approach the Public Service Tribunal for redressal of his grievance by filing a claim petition, in accordance with law. The petitioner should have approached the Tribunal immediately after the decision of the Hon'ble High Court, but the petitioner filed present claim petition after more than one and half years on 10.10.2025. In the delay condonation application, the petitioner has taken the ground of illness and adverse family conditions as well as financial condition, but he has also not filed any medical evidence in support of his defense.

8. As per Section 5(b)(i) of the, The U.P. Public Services (Tribunal) Act 1976, the limitation for challenging any order or proceeding before the Hon'ble Tribunal is one year from the date of cause of action. Section 5(b)(i) is quoted below:

5(b) The provisions of the Limitation Act, 1963 (Act 36 of 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.

9. Perusal of the aforesaid section, reveals that the Claim Petition was to be filed within one year from the date of cause of action. In the instant case, the cause of action arose to the petitioner on 27.05.2023. Thereafter, the petitioner challenged the aforesaid order before the Hon'ble High Court by filing writ petition, which was dismissed by the Hon'ble High Court vide order dated 14.05.2024, directing the petitioner to approach the Tribunal for agitating his grievances. But the petitioner has filed this claim petition only on 10.10.2025 before this Tribunal. The judgment of the Hon'ble Supreme Court, as cited by the petitioner does not support his case, as the facts and circumstances of the judgment are different.

10. In view of the above, we find that the petitioner has failed to explain the day-to-day delay from 14.05.2024 to 10.10.2025 and has also failed to mention any cogent reasons for condoning the delay in filing the claim petition, as such the claim petition filed by the petitioner is highly time barred and the delay condonation application deserves to be dismissed.

11. Accordingly, the delay condonation application is hereby rejected and the claim petition, being time barred, is also dismissed, at the admission stage. No order as to costs.

A.S.RAWAT
 VICE CHAIRMAN (A)

RAJENDRA SINGH
 ACTING CHAIRMAN

DATED: JULY 08, 2026
 DEHRADUN
 KNP