

**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.61/DB/2024

Sri Dilip Kumar Tripathi aged about 58 years s/o Sri Shiv Shiv Tripathi, presently working and posted on the post of Accountant in the office of Divisional Manager, Gandhi Road, Dehradun, r/o 690, Avas Vikas Modal Colony, Jwalapur, District Haridwar.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary Transport, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Chairman, Uttarakhand Transport Corporation Board, Head Quarter Uttarakhand Transport Corporation, Parivahan Bhawan, Kulhan, Sahastradhara Road, Dehradun.
3. General Manager (Personnel), Head Quarter Uttarakhand Transport Corporation, Parivahan Bhawan, Kulhan, Sahastradhara Road, Dehradun.
4. Regional Manager, Uttarakhand Transport Corporation, Haridwar.

.....Respondents

Present: Sri L.K.Maithani & Sri R.C.Raturi, Advocates,
for the petitioner.
Sri V.P. Devrani, A.P.O. for the Respondent No.1.
Sri Vaibhav Jain & Sri Ramdev Sharma, Advocates,
for Respondent No.2 to 4.

JUDGMENT

DATED: JULY 21, 2026.

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

“i) To quash the impugned order dated 21.07.1998 of respondent No. 4, impugned appellate order dated 24.09.2022 of respondent No. 3 and impugned revisional order dated 06.03.2024 of

respondent No. 2 (Annexure No. A-1, A-2 and A-3) with its effect and operation and with all consequential benefits.

ii) To issue an order or direction to the respondent to restore the benefit of grade pay Rs. 4200/- since 2015 to the petitioner.

iii) To issue any other order or direction which this court may deem fit and proper in the circumstances of case in favour of the petitioner.

iv) To award the cost of petition.”

2. Facts, in brief, of the present claim petition are as follows:

2.1 The petitioner is presently serving as an Accountant in the Office of the Divisional Manager, Dehradun. In the year 1996, a departmental inquiry was initiated against him. On completion of the inquiry, Respondent No. 4 passed a punishment order dated 21.07.1998, whereby the petitioner was awarded the penalty of withholding two annual increments without cumulative effect. (Copy of the punishment order Annexure No. A-1).

2.2 Being aggrieved by the aforesaid punishment order, the petitioner preferred a statutory appeal before the then Appellate Authority, namely the Divisional Manager (West Zone), Meerut, on 06.10.1998. However, despite the lapse of considerable time, no decision was taken on the appeal. Consequently, the petitioner submitted a reminder dated 15.02.2001, requesting the appellate authority to decide his pending appeal.

2.3 The petitioner further submits that after more than twenty-two years of the punishment order, the department, by order dated 11.11.2020, reduced his Grade Pay from Rs. 4,200/- to Rs. 2,800/- by taking the old punishment into consideration, even though the punishment of withholding increments without cumulative effect had already exhausted itself long back. The petitioner specifically raised this issue before the appellate authority by way of a representation dated 01.11.2021, stating that such reduction of Grade Pay after such a long period was illegal and contrary to the nature of the punishment awarded. However, the appellate authority rejected the appeal by order dated 24.09.2022, mainly on the ground that the reminder submitted by the petitioner did not bear any receiving date and, therefore, it could not be

accepted as proof that the appeal had been filed earlier. The petitioner submits that the appellate authority failed to verify the relevant departmental records and ignored the substantial grounds raised in the appeal. The appellate order dated 24.09.2022 is impugned in the present claim petition and is filed as Annexure No. A-2.

2.4 Against the appellate order, the petitioner preferred a revision before the competent Revisional Authority, pointing out that the appellate authority had neither considered the records nor dealt with the specific grounds raised by him regarding the illegality of the punishment and the subsequent reduction of Grade Pay. The revisional authority, however, dismissed the revision without examining the issues in their proper perspective and merely affirmed the findings recorded by the appellate authority. The petitioner further submits that both the appellate and revisional authorities sought to justify their decisions by stating that the departmental records had already been weeded out. According to the petitioner, when his appeal had remained pending for several years, the respondents could not have legally weeded out the relevant records without first deciding the appeal. The revisional order is also under challenge in the present petition and is filed as Annexure No. A-3.

2.5 The petitioner further states that in an identical case relating to Shri Vipin Kumar Walia, the respondents themselves relaxed the punishment after about twenty-seven years by office order dated 05.12.2023, whereas no similar relief has been granted to the petitioner. Therefore, the act of the respondents is discriminatory and arbitrary by extending the benefit to one employee while denying the same to the petitioner. The petitioner submits that the impugned punishment order, appellate order and revisional order are illegal, arbitrary, discriminatory, contrary to the principles of natural justice and violative of Articles 14 and 16 of the Constitution of India.

3. Petition has been contested on behalf of respondents. Sri Suresh Singh, Divisional Manager, (Operation)Uttarakhand Transport Corporation, has filed C.A. on behalf of Respondent Corporation.

3.1 Ld. A.P.O. submitted that the State is a formal party and he is adopting the C.A. filed on behalf of the Uttarakhand Transport Corporation for State/Respondent No.1.

4. It is submitted in the C.A. filed on behalf of respondents that, the petitioner has no legal right to challenge the orders passed by the respondent corporation. It is also contended that the Tribunal has no jurisdiction to hear the matter and that the petition is barred by limitation.

5. Rejoinder Affidavit has been filed on behalf of the petitioner, reiterating the averments mentioned in the petition.

6. We have heard the arguments of the Learned Counsel for the petitioner, Learned APO and perused the documents carefully, placed before the Tribunal.

7. Learned Counsel for the petitioner argued that the petitioner was imposed the penalty of withholding two increments for two years without cumulative effect on 21.07.1998 by the Regional Manager, Uttar Pradesh Transport corporation Dehradun. The petitioner submitted an appeal against the punishment order on 6.10.1998 but the Appellate authority did not take any decision on it. The petitioner submitted reminders to the Appellate authority and the Appellate authority finally rejected the appeal of the petitioner on the reminder dated 01.12.2021. He submitted Revision application on 03.10.2022 which was also rejected on 06.3.2024. Appellate authority rejected the appeal on the ground that the date of receiving the appeal is not mentioned in the reminders and records pertaining to case is not available in his office. He filed the Revision application and the same was also rejected on the grounds of non-availability of the records pertaining to the case.

7.1 The learned counsel of the petitioner further argued that the respondents changed his grade pay from Rs. 4200/- to Rs 2800/- vide order dated 11.11.2020 because of the punishment order dated 21.07.1998. The effect of the punishment order was not there when the ACP was granted. The appellate authority did not consider this point in

the appellate order dated 24.09.2022. The act of taking away the benefits of the grade pay of Rs 4200/- after the lapse of 22 years of the punishment is not all justified. The rejection of the appeal and the revision application on the ground of old punishment order, non-availability of the records is also not justified. The respondents in the case of Mr. Vipin Kumar Walia relaxed the punishment order after more than 27 years. He has pleaded that the impugned order is liable to be set aside and the claim petition is liable to be allowed.

8. Learned counsel for the respondents argued that the petition is time barred as the petitioner is challenging the order of the disciplinary authority after 30 years. The petition is liable to be dismissed.

8.1. The petitioner did not take recourse of judicial path against non-response of the Appellate authority. He submitted the appeal to the appellate authority which was time barred and more over he did not mention in the reminders when the appeal was received in the Office of the Regional Manager. Learned counsel for the respondents argued that the repeated representation can not be considered the ground to justify delay in appeal.

8.2. The Learned Counsel for the Respondent Corporation relied on the following judgement of Hon'ble Supreme Court:

*i. In **Bharat Sanchar Nigam Limited v. Ghanshyam Dass (2) and others (2011) 4 SCC 374**], a three-Judge Bench of this Court reiterated the principle stated in **Jagdish Lal v. State of Haryana (1977) 6 SCC 538** and proceeded to observe that as the respondents therein preferred to sleep over their rights and approached the tribunal in 1997, they would not get the benefit of the order dated 7.7.1992.*

*ii. In **State of Orissa v. Pyarimohan Samantaray (1977) 3 SCC 396**, it has been opined that making of repeated representations is not a satisfactory explanation of delay. The said principle was reiterated in **State of Orissa v. Arun Kumar Patnaik (1976) 3 SCC 579**.*

iii. In New Delhi Municipal Council v. Pan Singh and others(2007) 9 SCC 278, the Court has opined that though there is no period of limitation provided for filing a writ petition under Article 226 of the Constitution of India, yet ordinarily a writ petition should be filed within a reasonable time. In the said case the respondents had filed the writ petition after seventeen years and the court, as stated earlier, took note of the delay and laches as relevant factors and set aside the order passed by the High Court which had exercised the discretionary jurisdiction.

Hence, Learned Counsel for the Respondent Corporation, submitted that based on the facts of the case and the findings of Hon'ble Court, the claim petition filed by the petitioner is liable to be dismissed. Ld. A.P.O. agrees with the submissions made by Ld. Counsel for Respondent Corporation.

9. In view of above, the Tribunal finds that the petitioner did not appeal against the penalty awarded to him in time. Although he submitted reminders to the Appellate Authority who did not respond to the appeal and reminders. The appeal was finally rejected after more than 24 years on the ground that the receipt of the appeal filed has not been submitted and the record related to the case is not available. The revision application filed by the petitioner has also been rejected on the same ground by the Revision authority. The petitioner ought to have filed a writ petition or a claim petition seeking a direction to the Appellate Authority to decide his appeal within a reasonable time. Instead, the petitioner chose to challenge the orders only after an inordinate lapse of time. Consequently, the claim petition filed by the petitioner is barred by limitation and is, accordingly, dismissed.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: JULY 21, 2026.
DEHRADUN

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