

**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)

**REVIEW APPLICATION NO. 03/NB/DB/2026
(Arising out of the judgment dated 21.07.2025, passed in
Claim Petition No.28/NB/DB/2022)**

State of Uttarakhand through Secretary, Forest, Civil Secretariat,
Dehradun, District Dehradun and others

.....**Review applicants**

VS

Mahesh Chandra Joshi, aged about 44, years, s/o Sri Kedra Dutt
Joshi, r/o Presently posted as Forester in Corbett Tiger Reserve Ram
Nagar District Nainital & others.

.....**Petitioners (Respondents)**

Present: Sri Kishor Kumar, A.P.O., for the review applicants
Sri Devesh Upreti, Advocate for the petitioners(respondents)

JUDGMENT

DATED: JULY 24, 2026

This review application has been filed on behalf of the State, to review the judgment and order dated 21.07.2025 passed by this Tribunal in claim petition No.28/NB/DB/2022, Mahesh Chandra Joshi & others vs. State of Uttarakhand & others along with an application for condonation of delay. Learned Counsel for the petitioners (respondents herein) filed objections to the delay condonation application.

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

3. Learned A.P.O. on behalf of the review applicants has taken the following grounds for conditional of delay:

3.1 They provided the copy of the order dated 21.07.2025 passed by this Tribunal to the office of the respondents on 23.07.2025. After that, after thorough discussion at the department level, vide letter dated 09.10.2025, sent the same to the Nodal Legal Cell of the department for seeking permission to file an appeal against the Tribunal's judgment. The Office of the Chief Conservator of forests, vigilance & Legal Cell (Nodal Legal Cell) vide its letter dated 19.11.2025 has requested the State Govt. for seeking guidance in the present matter. Further, the office of the respondent has also sent a reminder letter dated 03.01.2026 to the State Govt. and further the Nodal Legal Cell vide its reminder letters dated 27.02.2026, 12.03.2026 and 20.03.2026 has requested the State Govt. for seeking guidance in the present matter.

3.2 Subsequently, the Law Department of the State Government vide its letter dated 08.04.2026 has granted permission to the Administrative Department of the Government to file a Review Petition in the present matter and the Administrative Section vide its letter dated 08.04.2026 has granted the said permission to Forest Department. Thereafter, the office staff of the deponent contacted the office of the Government Counsel and discussed the matter with the State Counsel in detail. And after the discussion, the Government Counsel has drafted and provided the draft of the Review Petition in the present matter. In completion of the required formalities, it took some time, as such it caused delay in filing the present Review petition on behalf of applicant/respondent.

3.3 The delay occasioned in these circumstances is entirely bona fide and beyond the control of the Reviewees and prayed to condone the delay in filing the Review Petition and admit the same to decide on merits.

4. Learned Counsel for the petitioners (respondents herein) has opposed the delay condonation application and filed objections to the delay condonation application mainly stating that-

4.1 The Review Applicants themselves seek condonation of 344 days. Review applicants merely narrated the internal correspondence and movement of the file and did not explain the delay with diligence, particulars or a continuous cause from the date of knowledge until filing. They themselves admit that the copy of the judgment dated 21.07.2025 was supplied to the department on 23.07.2025. Thus, knowledge is undisputed and there was no impediment to taking timely legal steps.

4.2 The judgment was to be complied with within three months from presentation of the certified copy. They presented the certified copy of the judgment on 23.07.2025 and the compliance period was to expire in or about October 2025. The time spent in internal administrative permission is not sufficient to justify the delay. A litigant cannot enlarge limitation by its own administrative procedure, particularly after being represented throughout and having received the judgment immediately.

4.3 The present review application has been filed in the month of June 2026 with delay of 344 days. As per Rule-17 of the Uttar Pradesh Public Services Tribunal (Procedure) Rules, 1992, the review application should be filed within thirty days after passing of the judgment. Hence, the delay is not condonable and the delay condonation application is liable to be dismissed.

5. In view of the above, we find that the review application filed by the review applicants before this Tribunal is not maintainable for the following reasons:

There is delay of 344 days in filing the review application. No cogent reason has been assigned in the application for condoning the delay in filing the review application. As per Rule 17 of the Uttar

Pradesh Public Services Tribunal (Procedure) Rules, 1992, the review application should be filed within thirty days. Admittedly, the same has not been done by the review applicant on time. Although Section 5 of Limitation Act may be applicable in filing the review application, but since there is no sufficient reason in support thereof, therefore, the Tribunal is unable to condone the delay in filing the review application.

6. Hence, the delay condonation application, in filing the review application, is dismissed and as a consequence thereof, the review application is also dismissed, at the admission stage. No order as to costs.

(A.S.RAWAT)
VICE CHAIRMAN (A)

(RAJENDRA SINGH)
ACTING CHAIRMAN

DATE: JULY 24, 2026
DEHRADUN
KNP