

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

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. A.S.Rawat

-----Vice Chairman (A)

**REVIEW APPLICATION NO. 07/DB/2025
(Arising out of the judgment dated 21.07.2025, passed in
Claim Petition No.119/DB/2022)**

1. State of Uttarakhand through Secretary Energy, Civil Secretariat, Subhash Road, Dehradun-248001.
2. Uttarakhand Power Corporation Limited, through its Managing Director, Urja Bhawan, Kanwali Road, Dehradun.

.....Petitioners/Applicants

Vs

1. Prem Prakash aged about 71 yrs, S/o Late Sri Atar Singh R/o 22 Doon Vihar Colony Rajpur Road, Jakhan, Dehradun-248001.
2. Pukhraj Singh (Formerly Pukhraj Kushwaha) aged about 74 yrs, S/o Late Sri Bheem Singh, R/o 18/487 Indira Nagar, Lucknow (U.P.)-226016.
3. Arun Kumar Agrawal aged about 74 years, S/o Late Sriram Kishan R/o House No. 16 Lane 6 B, Ashirvad Enclave, Dehradun-248001.
4. Kamal Mohan aged about 73 yrs, S/o Late Sri Shankar Dutta Shastri, R/o B-45 Jigar Colony, Moradabad (U.P.)-244001.
5. Pramod Kumar Pant aged about 73 yrs, S/o Sri H.D. Pant, R/o 136 Engineers Enclave GMS Road, Dehradun-248001.
6. Chandra Prakash Sharma aged about 73 yrs, S/o Late Sri. S.N. Sharma, R/o House No. 90, Engineers Enclave Phase-I GMS Road, Dehradun-248001.

.....Respondents

Present: Sri Manish Kumar Singh, Advocate for the review applicants
Sri V.P.Devrani, A.P.O. for the State (Formal party)
Sri Uttam Singh, Advocate for the petitioners (respondents herein)

JUDGMENT

DATED: AUGUST 04, 2026

This review application has been filed on behalf of the UPCL, to review the judgment and order dated 15.04.2025 passed by this Tribunal in claim petition No.199/DB/2022, Prem Prakash & 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 Counsel for the review applicants has taken the grounds for condonation of delay that the after the judgment, the petitioner made a representation dated 24.05.2025 before State of Uttarakhand. The Govt. of Uttarakhand vide letter dated 06.06.2025 forwarded the representation of the petitioner to respondent no. 2 for necessary action. Thereafter, the respondent noticed that the petitioner has made wrong submissions before this Tribunal. The H.R. Team immediately raised the concern with the higher management wherein the management took a decision of filing a review application and requested to condone 115 days delay in filing the Review Petition.

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 the claim petition was decided on 15.04.2025 and the review application has been filed by the review applicants beyond time limit prescribed in the Rules. As per Rule 17(1) of the U.P. Public Services Tribunal (Procedure) Rules, 1992, no petition for review shall be entertained unless it is filed within thirty days from the date of the order for which the review is so sought. The legislature has purposefully used the word "shall" which is

mandatory i.e. if the review application is filed within thirty days then the Hon'ble Tribunal can only entertain else it is straightway to be rejected. In support of his contention, learned Counsel for the petitioners (respondents herein) has also cited the judgment of Hon'ble Supreme Court passed in *Ajit Babu v. Union of India*, AIR 1997 SC 3277, wherein it has been held that the provision of CPC is not applicable for the Tribunal and a right for review is available to the aggrieved persons on restricted ground mentioned in Order 47 of the Code of Civil Procedure, if filed within the period of limitation. 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 115 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 applicants 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: AUGUST 04, 2026
DEHRADUN
KNP