

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

Present: Hon'ble Mr. Capt. Alok Shekhar Tiwari

----- Member (A)

CLAIM PETITION NO. 26/NB/SB/2026

Sunil Goswami (Male) Adhaar No. 567500202910 Aged about 39 years, S/o Sri Basant Giri Goswami, R/o Presently Posted as Sub Inspector, Police Station Mukhani, Haldwani, Nainital.

.....**Petitioner**

VERSUS

1. State of Uttarakhand, through Principal Secretary, Home Department, Dehradun.
2. Inspector General of Police, Kumoun Region, Nainital.
3. Senior Superintendent of Police Nainital, District Nainital.

.....**Respondents**

Present: Sri Subhash Joshi, Advocate for the petitioner
Sri Kishore Kumar, Ld. Assistant Presenting
Officer for the respondents

JUDGMENT

DATED: JULY 31st , 2026

Capt. Alok Shekhar Tiwari, Member (A) (Oral)

By means of this petition, the petitioner prays for following reliefs:-

- “(i). To quash the impugned order 11-11-2025 and order dated 18-10-2024 (Annexure

No. 1 and 2) along with its effect and operation after calling the entire record or in alternate direct the respondent no. 2 to decide the statutory appeal of the petitioner on merit in view of the judgment of this Hon'ble Tribunal passed in **claim petition no. 15/NB/SB/2023 “Head Constable Santosh Prasad Vs. State of Uttarakhand and others”** (Annexure No. 3) or in alternate pass any appropriate orders keeping in view of the facts highlighted in the body of the petition or mould the relief appropriately.

- (ii). To issue order or direction to expunge the adverse entry censure recorded in the service book of the applicant and grant all the service benefits or pass any other order direction which this Hon'ble Court may deem fit and proper under the facts and circumstances stated in the body of the claim petition.
- (iii). To issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. The petitioner, a Sub Inspector, was awarded 'censure entry'. He filed a statutory appeal against the same, which was dismissed on the ground of delay.

3. Learned Counsel for the petitioner drew attention of the Tribunal towards para 4.13 of the claim petition to submit that the limitation for filing an appeal against the

punishment is 90 days but the Hon'ble High Court and Hon'ble Public Services Tribunal, in their judgments in various cases, have remanded the cases to the Appellate Authority to decide the matter on merits after condoning the delay in filing the same. The learned Counsel for the petitioner has relied upon the Claim Petition No. 15/NB/SB/2023 HC 62 C.P. Santosh Prasad Vs. State of Uttarakhand and others, decided by this Hon'ble Tribunal on 26.12.2023.

4. Considering the peculiar facts of the case, delay in filing the departmental appeal is condoned, purely in the interest of justice. The Tribunal does not offer any comments on the initial order of the disciplinary authority, which will be looked into by the Appellate Authority, after hearing both the sides. The impugned order dated 11.11.2025 is set aside on the ground that the petitioner's appeal should be heard on merits. The Appellate Authority is, accordingly, directed to decide the departmental appeal, on merits, as per the established law.

5. Without prejudice to the rival contentions, the Claim Petition is disposed of, at the admission stage, with the consent of learned Counsel for the parties, by directing the Appellate Authority to decide the appeal of the petitioner, on merits, by a reasoned and speaking order, in accordance with

the established law, without unreasonable delay, preferably within 08 weeks of presentation of certified copy of this order alongwith appeal enclosing the documents in support thereof.

No order as to costs.

(Capt. Alok Shekhar Tiwari)
Member (A)

DATE: JULY 31st, 2026
NAINITAL
BK