

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

Present: Hon'ble Mr. Justice U.C. Dhyani

----- Chairman

Hon'ble Mr. A.S. Rawat

----- Vice Chairman (A)

CLAIM PETITION NO. 94/NB/SB/2025

Sri Neeraj Singhal, aged about 44 years, s/o Sri Ram Pal Singhal,
r/o New Abadi Chauli Shabudinpur Bhagwanpur Haridwar, presently
posted as A.S.I., Almora, District Almora.

.....Petitioner

versus

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

..... Respondents

Present: Sri Subhash Joshi, Advocate, for the Petitioner
Sri Kishore Kumar, A.P.O., for the Respondents

JUDGEMENT

Dated: 23rd December, 2025

Justice U.C. Dhyani (Oral)

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

“(i) To quash the impugned order 11-11-2025 and order dated 30-12-2023 along with its effect and operation after calling the entire record 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 record 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. Petitioner, an ASI, was awarded 'censure entry. He filed departmental 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 4.4 of the claim petition to submit that the petitioner was suffering from liver cirrhosis, hence, he could not file departmental appeal on time. He submitted that delay in filing the departmental appeal may kindly be condoned and the appellate authority may be directed to decide the appeal of the petitioner, on merits, as per law.

4. Learned Counsel for the petitioner also drew the attention of the Tribunal towards para 4.16 of the claim petition to submit that the limitation for filing an appeal against punishment is 90 days but the Hon'ble High Court and Public Services Tribunal, in their judgements in various cases, remanded the cases to the appellate authority to decide the appeal on merits after condoning the delay in filing the same.

5. 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. Order impugned dated 30.12.2023 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 department appeal, on merits, as per law.

6. 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 law, without unreasonable delay, preferably within 08 weeks of presentation of certified copy of this order along with appeal enclosing the documents in support thereof. No order as to costs.

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

(JUSTICE U.C. DHYANI)
CHAIRMAN

DATE: 23rd December, 2025
DEHRADUN
RS