BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL BENCH AT NAINITAL

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

------ Member (A)

REVIEW APPLICATION NO. 15/NB/SB/2025

IN

Claim Petition No. 34/NB/SB/2025

1. Uttarakhand Transport Corporation, Dehradun through its Managing Director, Head Quarter U.C.F. House, Deep Nagar Road, Vishnu Vihar, Dehradun.
2. Assistant General Manager (Finance), Uttarakhand Transport Corporation, Kathgodam, Nainital.

…………. Applicants

Versus

1. Shyam Singh Bora (Male), Adhaar No. 864740892765**,** Aged about 65 years, S/o Soban Singh Bora, R/o HMT Niliyam Colony, Post Manpur West Haldwani, Nainital, Uttarakhand-263139.
2. Virendra Kumar (Male), Adhaar No. 385334062585, Aged about 65 years, S/o Shyam Singh, R/o Sramikbasti Sismahal Kathogodam, Haldwani, Nainital, Uttarakhand-263126.
3. Kumar Singh (Male), Adhaar No. 529533202497, Aged about 65 years, S/o Buddh Sen, R/o House No. 4-744 Rajendra Nagar, Haldwani, Nainital, Uttarakhand-263139.
4. Mitrapal Singh (Male), Aged about 67 years Adhaar No. 486809619986, S/o Sri Shankar Singh (Retired Traffic Inspector, Uttarakhand Transport Corporation Kashipur Depot), R/o Ward

No. 2, Near Mandir Jaspur Khurd, Kashipur, District Udham Singh Nagar.

5. Arun Kumar Singh (Male), Adhaar No. 339030463983, Aged about 64 years, S/o Awdesh Kumar Singh, R/o Shanti Niwas, Rehad Bhowali, Nainital, Uttarakhand-263132.

6. State of Uttarakhand, through Principal Secretary, Transport, Dehradun.

…………… Respondents

Present : Sri Shobhit Joshi, Advocate for the applicants No. 1 & 2
Sri Subhash Joshi, Advocate for the respondents No. 1 to 5
Sri Kishore Kumar, A.P.O. for the respondent No. 6

JUDGMENT

DATED : March 25, 2026

1. This review application has been filed by Sri Shobhit Joshi, Advocate for the respondent No. 1 (Utarakhand Transport Corporation, Dehradun through its Managing Director, Head Quarter U.C.F. House, Deep Nagar Road, Vishnu Vihar, Dehradun) & respondent No. 2 (Assistant General Manager [Finance], Uttarakhand Transport Corporation, Kathgodam, District Nainital) against the judgment dated 29.09.2025 passed by this Tribunal in Claim Petition No. 34/NB/SB/2025 Shyam Singh Bora and others versus State of Uttarakhand and others. The entire review hinges upon a single fact that in the same matter before

the Hon'ble High Court of Uttarakhand at Nainital a Single Judge Bench had spelt out a judgment on 14.06.2022, wherein, the prayer of imposing a penalty of interest on the payable amounts was ignored and when challenged before the Division Bench the Single Judge judgment dated 14.06.2022 (WPSS No. 1593 of 2021 "Balam Singh Aswal versus M. D. Uttarakhand Transport Corporation) was confirmed as such on 04.04.2024 providing a grace period of three months to the respondent Corporation for making the payments of the dues. With this background during the hearing of claim petition on the same matter before this Tribunal the respondent Corporation had argued that the prayer for interest had once been refused by the Single Judge Bench and subsequently, re-affirmed by the Division Bench had become a matter barred by the principle of res-judicata and, therefore, this Tribunal must not award interest on the payments under question. In the eyes of reviewer/respondent Corporation the 5% interest awarded by this Tribunal alongwith the main payments is a violation of the principle of res-judicata, and hence due to this error apparent this Tribunal should withdraw the judgment under question dated 29.09.2025.

2. The arguments of the learned Counsels were heard and the records were perused. Learned A.P.O. has apprised that the State Government is only a formal party, while the learned

Counsel for the petitioners submitted that the review application does not hold substance as basically it has reiterated the same arguments that had been submitted during the hearing of the main claim petition, so it deserves to be dismissed prima facie.

3. Learned Counsel for the Review Applicants emphasized in his arguments that primarily, the benefit of the judgment should go only to those petitioners who have agitated the Tribunal in persona and not to the other employees whose locus-standi is ad ram only. Further, Learned Counsel drew attention of the Tribunal towards the provisions of C.P.C. about the principle of res-judicata in order-II Rule (2) and Section 11 of C.P.C. As per the learned Counsel, due to the principle of res-judicata the impugned judgment of this Tribunal dated 29.09.2025 is barred by an error apparent, as the prayer for interest payment had not been allowed in the impugned orders dated 14.06.2022 and 04.04.2024 by the Hon'ble High Court of Uttarakhand at Nainital in the original litigation.

4. The Tribunal has scrutinized its impugned judgment dated 29.09.2025 and has noticed that the learned Counsel for the Review Applicants is making a mistake of assumption that the award of 5% interest in favour of the petitioners by this Tribunal was given regarding the same cause of action that had been decided earlier by the Hon'ble High Court on 14.06.2022 and

04.04.2024. Learned Counsel has failed to realize that the original cause of action had ceased to exist on 04.07.2024 when the stipulated period for making payments to the petitioners expired as per the Hon'ble High Court's judgment dated 04.04.2024. The very next day after the expiry of this stipulated three months period in accordance with the Hon'ble High Court's judgment dated 04.04.2024 a new cause of action arose which has been addressed by this Tribunal and hence, it is not barred by principle of res-judicata, rather it is governed by various enactments and rulings concerning the payments of post retiral dues to the government employees within certain stipulated timeframes. The learned Counsel has overlooked this legal catch. This is the exact reason why this Tribunal was justified in awarding a 5% interest upon the delayed payments beyond the stipulated period expiring on 04.07.2024. So far as the argument of the learned counsel regarding the petitioners in persona and employees ad ram is concerned the view of the tribunal is that any litigant in this matter receiving his outstanding post retiral dues under the orders of Hon'ble High Courts' dated 14.06.2022 and 04.04.2024 deserved to get the payments latest by 04.07.2024, beyond which he is eligible to claim 5% additional interest from the Respondent Corporation in accordance with the impugned judgment of this Tribunal dated 29.09.2025.

5. It is worth a mention here that the learned Counsel for the Review Applicant has relied upon leading judgments in Civil Appeal No..........of 1996.D/d. 25.03.1996 Chief Administrator vs. Abhaya Charan Mishra (Dr.) SUPREME COURT OF INDIA and W.P. No. 25377 (W) of 2017, D/d. 2.2.2018 Pratap Ray vs. Kolkata Metropolitan Development Authority and Ors CALCUTTA HIGH COURT. Nevertheless, this is important to notice here that these leading cases are not relevant relating to two different causes of action which is the case in this instant matter before this Tribunal, therefore, the learned Counsel has misquoted these rulings in the present scenario.

6. Learned Counsel for the Review Applicants has also furnished a written synopsis reiterating his arguments as aforesaid.

7. On the perusal of record, this is evident that the original writ petition had covered the time periods upto 14.06.2022 and later on covered upto 04.04.2024 by the subsequent orders, wherein the judgment dated 14.06.2022 had covered the preceding period of time, and had not imposed any interest. Similarly, the Division Bench's order dated 04.04.2024 also had covered the preceding period alongwith a grace period of three months for making the payments without interest. Therefore, the respondent Corporation was directed to make all the pending

payments latest by 03.07.2024, wherein, the respondent Corporation was shielded by an umbrella of res-judicata. Nevertheless, the respondent Corporation, by delaying the payments under question beyond that umbrella period, i.e., 03.07.2024 not only made a non-compliance but also lost the blanket protection of the principle of res-judicata. The 5% interest imposed by this Tribunal manifestly has been awarded for the period after 04.07.2024, which is not covered by the earlier litigations. Therefore, there is no error apparent in the judgment of this Tribunal. In fact, the delay in payment beyond 04.07.2024 was an absolutely new cause of action.

8. This is noteworthy that the original prayer for the interest was for those employees, who had superannuated between 2016 to 2020. The matter was settled by judgments dated 14.06.2022 and 04.04.2024 respectively. A grace period of three months had also been accorded for making the payments in the judgment dated 04.04.2024. Even then the respondent Corporation failed to make payments in time, i.e, a non-compliance for which the respondent Corporation has been directed to pay a 5% additional interest on the payments made after 04.07.2024, wherein, the period of delay would be reckoned with since 04.07.2024. It is a miniscule amount for the respondent Corporation but is a substantial amount for the petitioners who had

superannuated long back. This additional liability is also meant to remind the respondent Corporation to comply with the directions of the judicial Courts in letter and spirit in future within the stipulated time period.

9. In the overall view, the review application lacks substance and deserves to be dismissed.

ORDER

Accordingly, the review application filed by the applicants is, hereby, dismissed.

(Capt. Alok Shekhar Tiwari)
Member (A)

DATE: March 25, 2026
NAINITAL
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