

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

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CLAIM PETITION NO. 93/DB/2026

1. Umesh Chandra (Male) aged about 42 years S/o Dinesh Chandra R/o 11 Bamoth, Chamoli District Uttarakhand.
2. Prem Prakash Dimri (Male), aged about 49 years S/o Y. P. Dimri R/o Khsra 259, Doon University Road Behind Trilok Medicos, Krishna Enclave, Kedarpur Dehradun, District-Dehradun.
3. Varun Kumar (Male), aged about 40 Years S/o Ashwani Kumar, R/o Gaura, P.o Shivrajpur, Kashipur Udham Singh Nagar, District-Udham Singh Nagar.
4. Anand (Male), aged about 34 years S/o Chandan Singh Dhaila R/o Slipi Haulo, Mallital, Nainital District-Nainital Uttarakhand.
5. Kishan Singh (Male), aged about 42 years S/o Diwan Singh R/o Agar Bani, Pithoragarh Pandhuri, District-Pithoragarh, Uttarakhand.
6. Rajesh Kumar Trivedi (Male), aged about 48 Years S/o Tara Dutt Trivedi, R/o Rampur Road, Behind Sushila Tiwari Hospital, Dahariya, Manpur Uttar, P.O.-Haldwani Haldwani, District-Nainital.
7. Atul Kumar Sharma (Male) aged about 43 years S/o Ashwani Kumar R/o Gaura, P.O. Shivrajpur, Kashipur District-Udham Singh Nagar, Uttarakhand.
8. Kapil Joshi (Male), aged about 34 years S/o Govind Ballabh Joshi R/o Kanjabag Umaru, Khatima, P.O.-Khatima, District-Udham Singh Nagar Uttarakhand.
9. Mohd. Kasim (Male), aged about 36 Years S/o Sabir Hussain, R/o 212, Lalpur, Kunda Udham Singh Nagar, District-Udham Singh Nagar.
10. Hemant Singh (Male), aged about 37 Years S/o Diwan Singh, Bhumiyaadhar, Bhowali District-Nainital, Uttarakhand.

.....Petitioners

VERSUS

1. Managing Director,UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun.
2. Director, Human Resources UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
3. Executive Director, Human Resources UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
4. Uttarakhand Board of Technical Education, Through its secretary, Sunehra Road Kashipuri, Roorkee, District Haridwar.
5. Santosh Kumar Adhikari S/o Sri Pooran Chandra Adhikari C/o Director, Human Resources, UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
6. Mahendra Singh S/o Sri Jeevan Singh C/o Director, Human Resources, UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
7. Azeem Raza S/o Sri Ahmed Hussain C/o Director, Human Resources, UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
8. Sunil Kumar S/o Sri Mukhram Singh C/o Director, Human Resources, UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
9. Megha Sharma D/o Sri Amba Dutt C/o Director, Human Resources, UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
10. Kamlesh S/o Sri Rajesh Nautiyal C/o Director, Human Resources, UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
11. Ranveer Singh S/o Sri Mahendra Singh C/o Director, Human Resources, UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
12. Jyoti D/o Sri Harmeet Dhawan C/o Director, Human Resources, UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
13. Ruchi Kumari D/o Sri Dhyan Singh C/o Director, Human Resources, UJVN Limited 'Ujjwal', G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.
14. Laxmi Chauhan D/o Sri Ram Singh Chauhan C/o Director, Human Resources, UJVN Limited 'Ujjwal' G.M.S. Road, Maharani Bagh, Dehradun, Uttarakhand.

.....Respondents

Present: Sri Prashant Khanna, Advocate, for the petitioners.(online)
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: SEPTEMBER 09, 2026

Sri Rajendra Singh, Acting Chairman

By means of present claim petition, petitioners seek the following reliefs:

- “i. To set aside the Final Inter -Se Seniority List dated 01-12-2016 of Stenographer Grade- 3 issued by the respondent no. 2, qua the applicants only as well as the impugned order dated 06-05-2026 passed by the respondent department.
- ii) Direct the respondent to grant all the consequential service benefits from 01-12-2016 to the applicants and also grant applicants, the first promotion w.e.f. 01-07-2017 and consequently grant the second promotion w.e.f. 01-07-2020 as per law; or further pass any order, which this Hon'ble Court may deem fit and proper in the circumstances of the case.
- iii) To issue any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- iv) Award cost of the application in favour of the applicants.”

2. Facts in brief of the claim petition are that, the petitioners were selected for the post of Stenographer Grade-III through a selection process conducted by UBTER. The first select list was issued on 03.08.2013 and the second select list on 18.07.2014. The petitioners joined UJVN Limited pursuant to the second select list. Thereafter, UJVN Limited issued an inter-se seniority list of Stenographer Grade-III on 01.12.2016. Petitioners claimed that they were higher in merit than some of the employees placed above them and they were never given an opportunity to raise objections before the seniority list dated 01.12.2016 was finalized and that they came to know about the adverse seniority position only later.

3. The petitioners further contended that they became eligible for the first promotion on 30.06.2017 and, consequently, for the second promotion on 30.06.2020. According to the petitioners, the first promotion was delayed by approximately four to five months,

which consequently resulted in a delay of about one year in their second promotion, causing stagnation and financial loss to them. Petitioners contended that the cause of action was recurring and that the delay occurred due to the respondents' failure to invite objections.

4. At the very outset, Ld. A.P.O. objected to the maintainability of the claim petition on the ground that the same is barred by limitation, as the period of limitation for filing a reference before this Tribunal is one year in view of Section 5(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (as applicable to Uttarakhand).

Section 5(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976, reads as under:

“5- (1)

(b) The provisions of the Limitation Act, 1963 shall mutatis mutandis apply to reference under section 4 as if a reference were a suit filed in civil court so, however, that:-

(i) Notwithstanding the period of limitation prescribed in the Schedule to the said Act, the period of limitation for such reference shall be one year”

5. It is noticed that the petitioners did not challenge the seniority list dated 01.12.2016 within the prescribed period. The contention of the petitioners that the cause of action is recurring in nature also does not extend the period of limitation for challenging the seniority list which was finalized on 01.12.2016. The subsequent filing of a representation on 20.07.2025, after an inordinate delay, cannot extend the prescribed period of limitation.

6. The Tribunal also observed that ordinarily without issuing the tentative seniority list and circulating that amongst the concerned employees enabling them to submit their objections, if any, inter-se seniority of the employees cannot be finalized.

7. It is also significant that, on the one hand, by way of relief No. (i), the petitioners seek quashing of the final inter-se seniority list dated 01.12.2016, whereas, on the other hand, by way of relief No. (ii), they seek consequential service benefits w.e.f. 01.12.2016 and promotions w.e.f. 01.07.2017 and 01.07.2020. The reliefs claimed,

therefore, are based upon the seniority position which was finalized far back on 01.12.2016.

8. Considering the facts of the case and statutory provisions governing limitation, this Tribunal is of the considered view, that the petitioners have not approached the Tribunal within time. Thus, there is a considerable delay in filing the present petition.

9. In view of the above the claim petition is barred by limitation in view of the Section 5(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (as applicable to Uttarakhand). Hence, the claim petition is not maintainable and is accordingly dismissed, at the admission stage.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(RAJENDRA SINGH)
ACTING CHAIRMAN

DATE: SEPTEMBER 09, 2026.

DEHRADUN

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