

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

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. A.S.Rawat

-----Vice Chairman (A)

REVIEW APPLICATION NO. 10/NB/DB/2025

(Arising out of the judgment dated 14.01.2025)

In

CLAIM PETITION NO. 07/NB/DB/2020

Vinod Kumar Pande s/o Late Sri Leeladhar Pandey, r/o North View,
Ratan Cottage Compound, Tallital, Nainital.

.....Petitioner

Vs.

1. State of Uttarakhand through the Principal Secretary, Forest & Environment, Dehradun.
2. Principal Secretary, Finance, Uttarakhand Shasan, Dehradun.
3. Principal Secretary, Forest & Environment, Dehradun.

(Respondents)

4. **Managing Director, Uttarakhand Forest Development Corporation, Aranya Bhawan, 73-A, Nehru Road, Dehradun.**

(Review Applicant)

Present: Sri B.D.Upadhyay, Senior Advocate, assisted by

Sri Tushar Upadhyay, Advocate for the respondent no. 4

(Review Applicant herein)

Sri Kishore Kumar, A.P.O. for the State

Sri Vinod Kumar Pande, Petitioner in person **(respondent herein)**

JUDGMENT

DATED: SEPTEMBER 23, 2026

This review application has been filed on behalf of the Respondent no.4 (Managing Director, Uttarakhand Forest Development Corporation), to review the judgment and order dated 14.01.2025 passed by this Tribunal in claim petition No.07/NB/DB/2020, Vinod Kumar Pande vs. State of Uttarakhand & others. A delay condonation application has also been filed on behalf of the review

applicant. The petitioner (respondent herein) also filed objections to the delay condonation application.

2. Heard learned Counsel for the parties on delay condonation application.

3. Learned Counsel for the review applicant has taken the following grounds for condonation of delay:

3.1 The claim petition was decided on 14.01.2025, whereby the Relief No. 1 claimed by the petitioner was refused on the ground that the same has been infructuous and in respect of relief No. 2 the respondents were directed to release the retiral dues on admissible interest as per the G.O. dated 10.08.2004, within two months from the date of presentation of the certified copy of the order.

3.2 As per official record received from the head office, the petitioner after passing the judgment and order neither presented the certified copy of the judgment and order dated 14-1-2025 before the respondent No. 4 for compliance of the said order nor applied for compliance of the said order as yet, as such, in view of the said facts although there is no delay, however, as precautionary measure, the aforesaid delay condonation application is being filed.

3.3 The respondent No. 4 vide letter dated 23-4-2025 instructed his subordinates to file writ petition before the Hon'ble High Court against the impugned judgment and order. The Regional Manager, Uttarakhand Forest Development Corporation, Haldwani wrote a letter dated 28.04.2025 to the Divisional Logging Manager, Nainital and authorized him to do needful in the matter.

3.4 In compliance with the instructions received from the Regional Manager, Haldwani, the deponent requested the counsel appearing before the Hon'ble Tribunal to supply complete record of the aforesaid claim petition. However, the same was not supplied and the deponent any how managed the same. After getting record of the case, the deponent contacted his counsel for further legal

course in the matter who advised that since the claim petition in respect of the interest part in the claim petition is not maintainable, as such, he advised to file review/recall application in the matter before the Hon'ble Tribunal.

3.5 The advice given by the Counsel was brought to the notice of the respondent No. 4, who vide letter dated 06-06-2025 granted his permission to file the aforesaid review application. Thereafter, the deponent contacted his counsel who instructed to supply certain documents relating to writ petition filed by the petitioner before the Hon'ble High Court of Uttarakhand. The deponent after getting the record of the writ petition filed by the petitioner for drafting the aforesaid review application before the Hon'ble Tribunal and after getting all the formalities in the matter the aforesaid review application is being filed.

4. The petitioner (respondents herein) filed objections to the delay condonation application mainly stating that-

4.1 The said review petition has been filed by the respondent/applicant after 222 days, whereas the limitation period fixed under Rule 17 of Public Service Tribunal Rules 1992 is only 30 days. Rule 17 of the Public Services Tribunal Rules, 1992 deals with Review Petition. Clause (1) of Rule 17 states as follows "No petition for review shall be entertained unless it is filed within thirty days from the date of order of which the review is so sought." It is clear from a bare perusal of the Rule 17 that there is no provision for condonation of delay. Therefore, the aforesaid Review Petition is clearly barred by limitation. Hence the Hon'ble Tribunal may kindly dismiss the Delay Condonation application on this ground alone.

4.2 The respondent/applicant has prepared the delay condonation application on two grounds, first that the petitioner has not submitted the certified copy of order dated 14.01.2025 for compliance and second that the respondent's Counsel had not supplied the complete record of the claim petition to the respondent/

applicant on time. The applicant/respondent has clearly given stereotyped reasons for the delay which do not qualify to be "sufficient reasons" to condone the delay. It is submitted that these very reasons have been categorically rejected by Hon'ble Apex Court in a series of delay condonation matters.

4.3 Further, Rule 17 of the Public Services Tribunal Rules, 1992 have no reference of limitation being subject to the submission of certified copy of judgment by the petitioner to the respondent. Hence this assumption taken by the applicant as defence also has no merit whatsoever. This assumption is also negated in various judgments of Hon'ble Apex Court. Most notably, the Hon'ble Apex Court in the case of Jharkhand Urja Utpadan Nigam v. BHEL 2025 SCC On Line SC 910 held as follows- *"33. The applicants cannot blame the respondent for not communicating to them about the disposal of the appeal and for not making any demand of payment in terms of the decree of the Commercial Court."* Hence, the Hon'ble Tribunal may kindly dismiss the Delay Condonation application since the grounds taken by the applicant of non-submission of judgment by petitioner for execution has no merit.

4.4 The respondent Corporation has a well-structured, dedicated Legal Cell/Court Cell in the city of Nainital and having a Nodal Officer/subordinate staff. The deponent in the instant Review Petition is the Nodal Officer of the cell. The procedure of working of legal cell of respondent Corporation, which is as follows- when a notice is received by an advocate from any Court of a case pertaining to the respondent corporation, he submits a copy of it to the Court Cell, to submit the narrative for the preparation of the Counter affidavit. After submitting Counter affidavit to the court, a copy of the counter affidavit is submitted to the Court Cell along with the bill of the case, only after that first instalment of the advocate fee is paid.

4.5 Similarly, a copy of rejoinder is also submitted and in every hearing, the representative of Court Cell is supposed to be present in the Court and inform the progress of proceedings on a daily and monthly basis to the Managing Director office. So, the non-possession of documents by the respondent is a poorly fabricated and concocted story and has no factual basis. If any, it only shows the grave negligence on the part of the respondent Corporation/ Court Cell. Therefore, the defence of the respondent/applicant that the delay in filing in the said Review Petition was due to non-submission of documents by the previous counsel is clearly a concocted reason. The Hon'ble Apex Court has also further held, in matter cited above-

"34. They also cannot take advantage of the negligence of the counsel engaged by them in not informing the applicants about the judgment of the Commercial Court. This is because the applicants have a Legal Department and employees engaged by the applicants in that department have a duty to monitor what is happening in the cases to which the applicants are parties, keep track of the progress of the said cases and the decisions therein, and ensure that applications for issuance of certified copy are made to the concerned court so that the appeals, if required, can be preferred within the period of limitation prescribed by law." Similar view has been taken by the Hon'ble Apex Court in the case of Rajneesh Kumar & Anr vs. Ved Prakash 2024 SCC OnL: one SC 3380, wherein the Hon'ble Apex Court held as follows-
"10. It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief."

4.6 In view of the aforesaid, the Delay Condonation application be dismissed since as the grounds taken by the review applicant of non-submission of documents by previous counsel, has no legal merit.

4.7 Further, respondent has put the blame on their former Counsel for not supplying them the complete record of the Claim petition. However, the same counsel is in their panel from about last 18 years and is continuing to represent the Uttarakhand Forest

Development Corporation in the Hon'ble High Court. So, this is not at all a convincing reason. Further, the respondent has not substantiated their averment by putting the correspondence with the Counsel regarding submission of the record of the delay condonation application/ review petition. Furthermore, there is a proviso in Rule 35 of Uttarakhand PST Regulation of getting the copies of the record from the registry of the PST. Therefore, if it was the case that the previous counsel did not provide the records on time, then the respondent had an easy alternative to obtain the copies of record of the claim petition from PST. Therefore, this reason is not sustainable on the face of facts. Rule 35 is reproduced under:

"Party entitled to copy of record or document- A party to a petition is entitled to obtain, at any stage of the proceedings, copy of the record or document filed before the Tribunal, on payment of fee of one rupee per page, irrespective of the number of words or lines on that page."

4.8 The documents annexed by the respondent/ applicant itself reveal the non-seriousness of the respondent in filing the said delay condonation application/ review application. It is the own admission of the respondent/ applicant that on 23.04.2025, the Managing Director, who is final authority in court case matters in the respondent corporation, had instructed his subordinates to file a writ against the judgment dated 14.01.2025. Therefore, according to the own admission of the respondent/applicant, the complete chain of command right up till the Managing Director was aware of the passing of the judgment dated 14.01.2025, hence the question arises that why no action was taken by the respondent corporation even after the approval of the M.D on 23.04.2025. Therefore, it is clearly proved that even after two months the respondent/ applicant had no intention to file the review petition, which is clearly beyond the limitation period of 30 days as stipulated by Rule 17 of the Public Services Tribunal Rules. The aforesaid Review Petition has been filed only as a delaying tactic in the dispensation of justice to the petitioner, who is a senior citizen and is at the mercy of the respondent corporation for receiving his rightful dues.

4.9 The review applicant has not mentioned the reason of the change in decision to file a review in place filing a writ in Hon'ble High Court, particularly when there clearly was a constraint of time for such filing. The only obvious answer is the respondent does not honour the spirit of the law. In fact, they want to take the advantage of being a Government Organization. The fact of the matter is that the respondent corporation is an autonomous organization and the Managing Director is the final and sole authority in court case matters. The Corporation has it's own panel of advocates and even the Managing Director can hire an advocate from outside the panel. This distinguishes the Corporation from any other Government Department. Therefore, inordinate delays are to prevent application of law to the petitioner. Hence, the reasons for delay narrated by the applicant/respondent lack bona fides, hence the delay condonation application deserves to be rejected.

4.10 The petitioner is a senior citizen aged about 70 years. From the beginning of the matter itself, the petitioner has taken the plea that the respondent corporation is not giving the rightful due of the petitioner due to malafide intention. The instant Review Petition further proves the malafide intention of the respondent.

5. The review applicant has also filed reply to the objections filed on behalf of the petitioners (respondents herein) to the delay condonation application, mainly stating therein that the petitioners did not approach this Tribunal with clean hands and played a fraud on the learned Tribunal by not disclosing the fact that for the same relief as sought in the claim petition, they approached the Hon'ble High Court by filing a Writ Petition and no relief granted to them and thereafter they approached the Tribunal for seeking the same relief. This conduct of the petitioners amounts to fraud on the Tribunal and it is settled law that fraud unravels everything including legal proceedings and it makes void everything from very beginning. So, the question of limitation as prescribed in the Public Service Tribunal

Act, 1976 will not come into the way and the judgment and order passed in claim petition is liable to be recalled with a heavy cost on the petitioners. It is further submitted that the petitioners, in order to get the review petition dismissed, are relying on various provisions of law as prescribed under U. P. Public Services Tribunal Act, 1976 and rules made therein but they mischievously did not consider the proviso to Section 5(1) (a) of the U.P. Public Services Act, 1976, as applicable in the State of Uttarakhand and when this fact was brought into the notice of the learned Tribunal by way of review petition they are taking recourse of various provisions of the said act in order to justify the order passed in claim petition.

6. 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 more than six months 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 applicant on time. Although Section 5 of Limitation Act may be applicable in filing the review application, in case sufficient ground is taken for delay. But no cogent and sufficient reasons have been assigned to condone the delay. Therefore, the Tribunal is unable to condone the delay in filing the review application.

7. 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: SEPTEMBER 23, 2026
DEHRADUN
KNP