

**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. 11/NB/DB/2025

(Arising out of the judgment dated 14.01.2025)

In

CLAIM PETITION NO. 08/NB/DB/2020

1. Sri Rajendra Prasad Pant a/a 62 years S/o Late Sri Tara Dutt Pant, R/o 6-1/3, Om Sri Sadan, Vivekanand Enclave, Talli Bamori, Haldwani District Nainital.
2. Sri Gauri Shanker Pandey a/a 62 years S/o Late Sri Chandra Shekhar Pandey R/o E-57, Judge Farm, Rampur Road, Haldwani District Nainital.
3. Sri Om Prakash Verma a/a 62 years S/o Late Sri Bhoodhar Lal R/o 546 Adarsh Nagar, Talli Bamori, Haldwani District Nainital.
4. Sri Vinod Kumar Arya a/a 62 years S/o Late Sri Hari Singh R/o Eco Town, Phase 1st, New ITI Road, Haldwani District Nainital.

.....Petitioners

Vs.

1. State of Uttarakhand through 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 Yogesh Pant, Advocate for the petitioners **(respondents 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.08/NB/DB/2020, Rajendra Prasad Pant & others vs. State of Uttarakhand & others. A delay condonation application has also been filed along with the review application. The petitioners (respondents 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 aforesaid claim petition was decided on 14-01-2025 whereby the relief No. 1 claimed by the petitioners 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 10-8-2004 within two months from the date of presentation of the certified copy of the order.

3.2 The respondent No. 4 vide letter dated 23.04.2025 instructed his subordinates to file writ petition before the Hon'ble High Court against the judgment and order. In the meantime, the petitioners filed a modification application on 03.04.2025 in the aforesaid claim petition seeking certain clarification in the judgment of the Tribunal.

3.3 Pursuant to the letter dated 23.04.2025, 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. The advice given by the Counsel was brought in to the notice of the respondent No. 4 who vide his letter dated 6-6-2025 granted his permission to file the aforesaid review application.

3.5 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 for drafting the aforesaid review application and after getting all the formalities in the matter, the review application is being filed before the Tribunal.

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

4.1 The review petition has been filed by the respondent/applicant after 222 days, whereas the limitation period for review petition prescribed under Rule-17 of the Public Service Tribunal Rules, 1992 is only 30 days. Clause (1) of Rule 17 says that "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 that there is no provision for condonation of delay in the aforesaid Act. Therefore, the aforesaid Review Petition is clearly

barred by limitation and the delay condonation application is liable to be dismissed on this ground alone.

4.2 The review 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.

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. 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, along with a Nodal Officer posted in the city of Nainital itself, and having subordinate staff and office. The deponent in the instant Review Petition is the same Nodal Officer. As per the procedure of working of legal cell of Respondent Corporation, the representative of Court Cell is supposed to be present in the Court in every hearing and inform the progress of proceedings on a daily and monthly basis to the Managing Director

office. So, non-possession of documents by the respondent is a poorly fabricated and concocted story and has no factual basis. Therefore, the defence of the respondent/ applicant that the delay in filing in the Review Petition was due to non-submission of documents by the previous Counsel is clearly a concocted reason. In view of the aforesaid, it is prayed to dismiss the Delay Condonation Application as the grounds taken by the review applicant of non-submission of documents has no legal merit.

4.5 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 Public Services Tribunal Act of getting the copies of the record from PST registry. 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.

4.6 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 petition 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. It shows and proves that the respondent corporation has not taken the entire court system seriously. The aforesaid Review Petition has been filed only as a delaying tactic in the dispensation of justice to the petitioners, who are senior citizens and are at the mercy of the respondent corporation for receiving their rightful dues.

4.7 The respondent Corporation is an autonomous organization and the Managing Director is the final and sole authority in the court case matters. The Corporation has its own panel Court of advocates and even the Managing Director can hire an advocate outside the panel. Therefore, there is an inordinate delay to prevent application of law to the petitioner. The reasons for delay narrated by the applicant/ respondent lack bona fides, hence the delay condonation application deserves to be rejected.

4.8 The petitioners are the senior citizens and from the beginning of the matter itself, the petitioners have taken the plea that the respondent corporation is not giving the rightful due of the petitioners due to malafide intention. The instant Review Petition further proves the malafide intention of the respondent. It is their own admission on 23.04.2025 that the Managing Director had instructed his subordinates to file a writ against the judgment dated 14.01.2025 clearly proved that initially the corporation had no intention to file the review petition. On dated 26.06.2025 i.e. after two months the M.D. changed his mind and instructs the Regional Manager to file a recall/review application. The Regional Manager took 20 days to instruct the Nodal Officer. Then, the Nodal Officer took a further two months to file the petition. Therefore, the aforesaid Review Petition has been filed only as a delaying tactic in the dispensation of

justice to the petitioners, who are senior citizen and is at the mercy of the respondent corporation for receiving his rightful dues.

4.9 The respondent has not substantiated their averment by putting the correspondence with the Counsel. However, 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, this reason is not sustainable on the face of facts.

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