UTTARAKHAND PUBLIC SERVICES TRIBUNAL, DEHRADUN.

ORDER

in

Claim Petition No. 107/DB /2026

Dr. Ashok Kumar Gairola vs. State of Uttarakhand & others.

Dated 13.10.2026

Present: Sri L.K.Maithani, Advocate for the petitioner.
Sri V.P.Devrani, A.P.O., for State Respondents.

Heard Ld. Counsel for the petitioner and Ld. A.P.O. on the point of admission of the claim petition.

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 in view of Section 5(1)(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976, as applicable to the State of Uttarakhand. He submitted that petitioner is seeking relief for notional promotion against the promotion order dated 26.03.2010, by which order Dr. Devendra Singh Negi and Dr. Manmohan Tiwari, were promoted after two years to the post of Joint Director, who are junior to the petitioner. Petitioner was actually promoted to the post of Joint Director vide order dated 18.12.2012, as stated in para 4(h) of the claim petition.

Ld. A.P.O. further objected that mere filing of non-statutory representation does not cover the delay in filing the claim petition.

Section 5(1)(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976, as applicable to the State of Uttarakhand, provides as under:

> *"(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."*

Thus, in view of the aforesaid statutory provision, the prescribed period of limitation for filing the claim petition is one year. In

the present case, the claim petition has been filed beyond the prescribed period of limitation.

In view of the aforesaid facts and circumstances, and having regard to the statutory period of limitation prescribed under Section 5(1)(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976, as applicable to Uttarakhand, this Tribunal is of the considered view that the claim petition is barred by limitation and, therefore, is not maintainable.

Accordingly, the claim petition is dismissed at the admission stage, as not maintainable.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(RAJENDRA SINGH)
ACTING CHAIRMAN

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