

Court No. - 39

Case :- WRIT - A No. - 19320 of 2023

Petitioner :- Sarwan Kumar Shukla

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ranjan Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Shri Ranjan Srivastava, learned counsel for the petitioner and learned Standing Counsel for the State.
3. Having heard learned counsel for the parties and having perused the record, we find no good ground to offer any interference in the order dated 21.09.2023 passed by Uttar Pradesh State Public Services Tribunal, Lucknow.
4. The proceedings arose from the minor punishment awarded to the petitioner by order dated 13.07.1999. The petitioner appellant allegedly represented against that. However, it is a fact that the said representation was rejected vide order dated 26.12.2001. What transpired since 2001 to 2012 has remained an unascertained fact. The petitioner approached the Tribunal, for the first time, in the year 2013 after obtaining a copy of the order dated 26.12.2001 under Right to Information Act, 2005. At the same time, in absence of any delay condonation application filed by the petitioner to seek condonation of delay in filing the claim petition before the learned Tribunal after passage of 11 years, it is not possible to reach any conclusion that the order dated 26.12.2001 was never served on the petitioner, at the relevant time. Merely because the petitioner

may have later obtained the copy of the same, may not lead to any assumption that the order was never served on the petitioner, at the earlier point of time.

5. For the reasons noted above, we find no error in the order of the Tribunal in dismissing the claim petition as time barred or barred by laches.

6. Accordingly, the petition lacks merit and is **dismissed**.

Order Date :- 29.11.2023
Prakhar

(Shiv Shanker Prasad, J.) (S.D. Singh, J.)