



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPSB/107/2023</u> Dinesh Kumar --Petitioner Versus Uttarakhand Public Services Tribunal and others --Respondent <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u> Ms. Monika Pant, Advocate for the petitioner through video conferencing. Mr. K.N. Joshi, Deputy Advocate General for the State. 2. Petitioner filed a claim petition under Section 4 of Uttarakhand Public Service (Tribunals) Act, 1976, challenging the order of regularisation dated 29.05.2013, passed by Zila Panchayat, Tehri Garhwal in favour of one Sri Ramesh Singh Rawat. The said claim petition was dismissed on the ground of delay and laches. Thus feeling aggrieved, petitioner has approached this Court. 3. Section 5(1)(b)(i) of aforesaid Act provides that period of limitation for approaching Public Services Tribunal shall be one year. 4. Section 5(1)(b) of the Act is reproduced below for ready reference: “5. Power and procedure of the Tribunal.- (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; (ii) In computing the period of limitation the period beginning with the date on which the public servant makes a representation or prefers an appeal, revision or any other petition (not being a memorial to the Governor), in accordance with the rules or orders regulating his conditions of service, and ending with the date on which such public servant has knowledge of the final order passed on such representation, appeal, revision or petition, as the case may be, shall be excluded: Provided that any reference for which the period of limitation prescribed by the Limitation Act, 1963 is more than one year, a reference under section 4 may be made within the period prescribed by that Act, or within one year next after the commencement of the Uttarakhand Public Services (Tribunals) (Amendment) Act, 1985, shall affect any reference made before and pending at the commencement of the said Act. Provided further that nothing in this clause as substituted by the Uttarakhand Public Service (Tribunals) (Amendment) Act, 1985, shall affect any reference made before and pending at the commencement of the said Act.” 5. Delay in filing claim petition before State Public Services Tribunal generally cannot be condoned because the relevant legislation treats these petitions akin to a suit. Thus provision contained in Section 5 of Limitation Act cannot be invoked to condone the delay in filing such petitions. 6. This aspect was dealt with by Hon’ble Allahabad High Court in the case of Ram Lal Ram Vs. State Public Service Tribunal, Lucknow and others (WPSB No. 168 of 2011). This Court concurs with the view taken in that case. 7. In a case arising out of Consumer Protection
--	--	--



Act, 1986, Hon'ble Supreme Court in State Bank of India Vs. M/s B.S. Agricultural Industries, reported as (2009 (5) SSC 121, held that consumer forum has to see before it admits the complaint that it has been filed within period of limitation and, further that if the complaint is barred by time and yet, the consumer forum decides the complaint on merits, the forum would be committing an illegality and, therefore, the aggrieved party would be entitled to have such order set aside.

8. In the present case, claim petition was filed by petitioner in 2019 challenging a regularization order passed in 2013 in favour of Sri Ramesh Singh Rawat. Petitioner approached the Tribunal after 6 years, even though limitation prescribed is only one year. Thus there was delay of 5 years. Learned Tribunal considered the matter in detail and has given cogent reasons for dismissing the claim petition.

9. This Court do not find any scope for interference with the reasoned order passed by learned Tribunal. The writ petition therefore, is dismissed.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)

14.08.2026



--	--	--	--