2026:UHC:4257-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

29th May, 2026

WRIT PETITION (S/B) No. 294 OF 2024

Surendra Singh Kathayat .....Petitioner.

Versus

State of Uttarakhand and others. ...Respondents

Counsel for the petitioner	:	Sri T.P.S. Takuli, learned counsel
Counsel for the respondents	:	Sri Rajeev Singh Bisht, learned Deputy Advocate General for the State of Uttarakhand.

JUDGMENT : (Per Sri Manoj Kumar Gupta, C.J.)

1. The petitioner, feeling aggrieved by order dated 26.05.2022 passed by the Uttarakhand Public Services Tribunal, Bench at Nainital in Claim Petition No. 10/NB/SB/2022 titled '*Surendra Singh Kathayat vs. State of Uttarakhand and others*' dismissing the claim petition as barred by limitation and the order dated 01.03.2024 also passed by the Tribunal rejecting the review application, has filed the present writ petition.

2. The Tribunal has held that the claim petition filed before it was delayed by seven days and since it has no power to condone the delay, the claim petition has been rejected.

3. Learned counsel for the petitioner submits that the petitioner initially challenged the order passed by the Appellate Authority dismissing his appeal against the order of punishment by filing a writ petition being WPSS No. 2190 of 2019 titled ‘Surendra Singh Kathayat vs. State of Uttarakhand and others’, which was permitted to be withdrawn by order dated 09.03.2022, with liberty to approach the Public Services Tribunal.

4. The Writ Court, while granting such permission to the petitioner also, gave liberty to him to seek benefit of Section 14 of the Limitation Act before the Tribunal.

6. It is urged that the Tribunal has, therefore, erred in rejecting the claim petition as barred by limitation.

7. Learned Deputy Advocate General for the State of Uttarakhand does not dispute that before deciding the claim petition, the petitioner had preferred a writ petition before this Court and it was withdrawn on 09.03.2022 with liberty to approach the Public Services Tribunal.

8. The petitioner, without any delay, filed the claim petition before the Tribunal on 14.03.2022.

9. In such circumstances, we are of the opinion that the view taken by the Tribunal is hyper technical. Accordingly, the order of the Tribunal dated 26.05.2022 in Claim Petition No. 10/NB/SB/2022 and also the order dated

01.03.2024 passed on the review application are hereby quashed.

10. The claim petition shall be entertained by the Tribunal and shall be decided on merits.

11. The writ petition stands disposed of accordingly.

12. Pending application, if any, also stands disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 29th May, 2026
Rathour

PRAVINDRA SINGH RATHOUR