



2026:AHC-LKO:20029-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 2988 of 2026

Shivam Yadav

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Home
Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Shweta Srivastava, Jhanak Bhawnani, Neha Dhanwani
Counsel for Respondent(s)	: C.S.C., Shikhar Anand

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. By means of this petition, a challenge has been raised to the order dated 06.08.2025 passed by the U.P. Public Services Tribunal (hereinafter referred to as "**Tribunal**") in Claim Petition No.1363 of 2025 (Shivam Yadav vs. State of U.P. and others).

2. The facts of the case, in brief, are that the petitioner was awarded a minor punishment of censure vide order dated 13.01.2020, against which he preferred an appeal, which was decided on 02.05.2020. Being aggrieved, he preferred a revision against the said orders, which was decided on 02.11.2020.

3. However, instead of challenging the said orders, the petitioner herein moved a representation on 03.01.2021 against the said orders before the State Government, presumably under the impression that the same was maintainable under Rule 25 of the U.P. Police Officers of the Subordinate Rank (Punishment and Appeal) Rules, 1991 (hereinafter referred to as "**Rules, 1991**"), oblivious of the fact that the remedy under Rule 25 is a conditional one which is available only when no appeal has been preferred under the said Rules, 1991, whereas in the case at hand, not only an appeal but a revision was also preferred under the same Rules, 1991, that is, under Rules 20 and 23 thereof. Therefore, clearly, the remedy under Rule 25 of the Rules, 1991 was not available.

4. After filing the aforesaid representation, the petitioner, it appears, filed a claim petition bearing No.1046 of 2023 challenging the punishment order, appellate order and the revisional order. However, as the above-mentioned representation was pending, the Tribunal disposed of the said claim petition on 23.05.2023 with a direction to the Principal Secretary, Government of U.P. to dispose of the same. The Tribunal clearly erred in issuing such a direction without going into the question of limitation and without considering the provisions of Rule 25 of the Rules, 1991.

5. The said claim petition itself was barred by limitation, which is one year as prescribed in Rule 4 of the U.P. Public Services Tribunal Act, 1976. The provisions of the Limitation Act, 1963 are applicable to the proceedings before the Tribunal as they are applicable to a suit; therefore, there was no question of application of Section 5 of the Limitation Act, 1963.

6. Now, taking advantage of this order, the petitioner's counsel contended before us that once a direction had been issued and a decision was taken on the representation of the petitioner on 12.03.2024, then the petitioner was entitled to file a claim petition before the Tribunal, which he did and which was numbered as Claim Petition No.1363 of 2025. Therefore, the Tribunal has erred in dismissing the said claim petition as being barred by limitation.

7. The contention, however, is not acceptable for the reason that the first claim petition was apparently barred by limitation, as observed hereinabove. Secondly, once the revision was decided on 02.11.2020, then that was the final remedy permissible under the Rules, 1991 and no further remedy was available to the petitioner, as such, limitation started running once the petitioner had knowledge of the said order dated 02.11.2020 passed in the revision and that knowledge was acquired by him prior to 03.01.2021, as he submitted a representation against the same as referred to hereinabove. If that be so, limitation expired for filing a claim petition challenging the aforesaid orders much prior to the filing of Claim Petition No.1363 of 2025.

8. As already stated, limitation applies as it applies to a suit; therefore, the claim petition was clearly barred, especially as once limitation starts running, it does not stop. No other ground has been shown before us as to how the limitation could be extended in a case such as the one at hand. The Tribunal cannot be faulted for having dismissed the claim petition. No

benefit of the order dated 23.05.2023 is available to the petitioner. Even otherwise, even if, by any stretch of imagination, we treat the order dated 12.03.2024 passed on the representation referred to hereinabove as permissible under the Rules, 1991, even then the claim petition was filed in August, 2025. Therefore, even from that date, the claim petition was not within limitation. This is especially so, as, while deciding the representation on 12.03.2024, the State Government has mentioned that the said representation was not maintainable in view of the condition mentioned in Rule 25. Therefore, this is all the more reason that no benefit of such order could be extended to the petitioner while calculating limitation for filing of the claim petition, which has been dismissed by the Tribunal.

9. In either eventuality, the claim petition, not being maintainable, the Tribunal has rightly dismissed the same.

10. The writ petition lacks merit and is **dismissed**.

(Amitabh Kumar Rai,J.) (Rajan Roy,J.)

March 19, 2026
Shubhankar