BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL, DEHRADUN

Present: Hon'ble Mr. Justice U.C. Dhyani

------ Chairman

Hon'ble Mr. Rajeev Gupta

------ Vice Chairman (A)

EXECUTION PETITION NO. 22/DB/2022

*(Arising out of judgement dated 13.06.2022, passed
in Claim Petition No. 74/DB/2022*)

Dayal Singh, s/o Late Sri Dimar Singh, Beldar, Office of Executive Engineer, Public Works Department, Temp. Div., Near Rishikesh, r/o Village- Serki, P.O. Maldevta, District Dehradun.

.... Executioner-Petitioner

vs.

1. The Secretary, Public Works Department, Govt. of Uttarakhand, Dehradun.

2. The Chief Engineer (HQ), Public Works Department, Yamuna Colony, Dehradun.

3. The Superintending Engineer, 9th Circle, Public Works Department, Yamuna Colony, Dehradun.

4. The Executive Engineer, Temp. Div., Public Works Department, Rajiv Nagar, Near Railway Station, Rishikesh.

..........Respondents

Present: Sri Uttam Singh, Advocate, for the Petitioner.
          Sri V.P. Devrani, A.P.O. for the Respondent No.1.

JUDGMENT

DATED: 21st September, 2022

Justice U.C. Dhyani (Oral)

By filing present execution application, the petitioner has prayed for securing compliance of order dated 13.06.2022, passed by this Tribunal in Claim Petition No. 74/DB/2022, Dayal Singh vs. State of Uttarakhand and others. Such order reads as below:

> "By means of present claim petition, petitioner seeks the following reliefs:
>
>> (i) Direct the respondents to allow to work on the post of Beldar and pay salary from 25.11.2021 i.e. the date on which the petitioner reported for duty.
>>
>> (ii) Direct the respondent to decide the representation dated 03.01.2022 of the petitioner with reasoned and speaking order, annexed as Annexure: A-1 to the claim petition.
>>
>> (iii) To pass any other suitable order, which this Hon'ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case.
>>
>> (iv) Award the cost of the petition to the petitioner."
>
> 2. During hearing on admission, Ld. Counsel for the petitioner confined his prayer only to the extent that direction be given to the respondent no.4 to decide fresh representation of the petitioner, which shall be moved by him within two weeks, mentioning some additional facts, at an early date.
>
> 3. Ld. A.P.O. has no objection to such innocuous prayer of the petitioner.
>
> 4. The claim petition is disposed of at the admission stage, by directing Respondent No.4 to decide fresh representation of the petitioner, which shall be filed by him within two weeks hereafter, within a period of three months thereafter, by a reasoned and speaking order, in accordance with law. No order as to costs."

2. It is the submission of learned Counsel for the petitioner that the representation of the petitioner has not been decided by respondent no. 4 so far.

3. Learned A.P.O., on seeking instructions from the respondent-department submitted that the letter dated 19.09.2022, issued by Office of the Superintending Engineer, 9th Circle PWD, Dehradun, Uttarakhand, to Executive Engineer, Temp. Div., Public Works Department, Rishikesh, indicates that the Executive Engineer is the competent officer for appointment of class IV employees and the representation shall be decided by such officer.

4.   Learned A.P.O. further submitted that the representation of the petitioner shall be decided as quickly as possible, as per law.

5.   Learned Counsel for the petitioner submitted that the petitioner has no objection, if his grievance is redressed and his representation is decided earliest by respondent no. 4, as per Rules.

6.   The Tribunal records the aforesaid statements of learned Counsel for the petitioner and learned A.P.O. and closes the execution application by directing respondent no. 4 to decide pending representation of the petitioner as early as possible, as per law.

7.   Let a copy of this order be supplied to learned A.P.O. for onward submission to respondent-department for compliance.

 (RAJEEV GUPTA)   **(JUSTICE U.C.DHYANI)**
VICE CHAIRMAN (A)   CHAIRMAN

 DATE: SEPTEMBER 21, 2022
DEHRADUN
RS