

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

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

Hon'ble Mr. Rajeev Gupta
-----Vice Chairman (A)

EXECUTION PETITION NO. 26 /DB/2022
*(Arising out of judgment dated 15.09.2022,
passed in Claim petition No. 96/DB/2022)*

Ravindra Singh Rawat.

.....Petitioner-executioner

vs.

State of Uttarakhand through Secretary, Housing Department, Govt. of
Uttarakhand Dehradun, and others.

.....Respondents.

Present: Dr. N.K.Pant, Counsel, for the petitioner-executioner.
Sri V.P.Devrani, A.P.O., for the respondents.

JUDGMENT

DATED: DECEMBER 09, 2022

Justice U.C.Dhyani (Oral)

By means of present execution application, petitioner-executioner seeks to enforce order dated 15.09.2022, passed by this Tribunal in Claim Petition No. 96/DB/2022, Ravindra Singh Rawat vs. State & others.

2. The execution application is supported by the affidavit of Sri Ravindra Singh Rawat.

3. Instead of narrating the facts of the petition again, it is better if the facts, as narrated in the decision dated 15.09.2022, along with the reasons, are reproduced herein below for convenience.

4. The judgment dated 15.09.2022 passed in Claim Petition No. 96/DB/2022, reads as under:

“By means of present claim petition, petitioner seeks to direct Respondent No.2 (Vice Chairman/Secretary, Mussoorie Dehradun Development Authority, Dehradun) to decide the pending representation(s) of the petitioner, after affording opportunity of personal hearing to him.

2. Ld. Counsel for the petitioner drew attention of this Tribunal towards order dated 29.04.2022, passed in Claim Petition No. 57/DB/2022, Ravindra Singh Rawat vs. State and others (Annexure: 9). Order dated 29.04.2022 runs as below:

“**Dated: : 24.04.2022**

Present: Dr. N.K.pant, Advocate, for the petitioner.

Sri V.P.Devrani, A.P.O., for Respondent No.1.

Learned Counsel for the petitioner seeks to withdraw the claim petition with liberty to the petitioner to make a representation to respondent no.2 for disposal, in accordance with law.

Learned A.P.O. has no objection to such innocuous prayer.
Claim petition is disposed of as withdrawn with liberty as above.”

3. It is the submission of Ld. Counsel for the petitioner that petitioner moved a representation soon thereafter, but his representation has not been decided so far. Ld. Counsel for the petitioner, therefore, seeks direction to respondent no.2 to decide earlier representation(s).

4. Ld. A.P.O. objected to the maintainability of the claim petition, *inter alia* on the ground that- (i) the claim petition is barred by limitation and (ii) there is no provision for deciding non-statutory representation.

5. Ld. A.P.O. further submitted that if the Tribunal directs respondent no.2 to decide the pending representation(s) of the petitioner, according to law, then respondent no.2 shall decide such representation(s).

6. The Tribunal is of the view that, considering the facts of the case, innocuous prayer made by Ld. Counsel for the petitioner is worth accepting.

7. Without prejudice to rival contentions, the claim petition is disposed of at the admission stage by directing respondent no.2 to decide the pending representation(s) of the petitioner, after affording opportunity of personal hearing to him, by a reasoned and speaking order, without unreasonable delay, in accordance with law, on presentation of certified copy of this order along with copy of representation. No order as to costs.

8. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.”

5. It is the submission of Ld. Counsel for the petitioner that a copy of judgment dated 15.09.2022 was although served upon the respondents on 19.09.2022, but still petitioner’s representation has not been decided. The

judgment dated 15.09.2022 rendered by the Tribunal in Claim Petition No. 96/DB/2022 Ravindra Singh Rawat vs. State & others, has become final, as no review application has been filed against the same. It is the submission of learned counsel for the petitioner/ executioner that casual approach on the part of opposite parties/respondents should not be tolerated and strict action should be initiated against them.

6. Considering the facts of the case, this Tribunal directs the official respondent(s) concerned to comply with the order dated 15.09.2022, passed by this Tribunal in Claim Petition No. 96/DB/2022, Ravindra Singh Rawat vs. State & others, if the same has not been complied with so far, without further loss of time, failing which the concerned respondent(s) may be liable to face appropriate action under the relevant law governing the field.

7. Petitioner/ executioner is directed to place a copy of this order before the authority(ies) concerned by 19.12.2022, to remind that a duty is cast upon said authority(ies) to do something, which has not been done.

8. Execution application is, accordingly, disposed of at the admission stage.

9. Let a copy of this order be supplied to Ld. Counsel for the petitioner/executioner and Ld. A.P.O., today itself, as per Rules.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: DECEMBER 09, 2022
DEHRADUN

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