

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
BENCH AT NAINITAL**

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**EXECUTION APPLICATION NO. 13/NB/DB/2019**

(Arising out of judgment dated 09.04.2019, passed in Claim Petition No. 01/NB/DB/2018)

Kheema Nand Tiwari, S/o Late P.C.Tiwari, Presently posted as Stenographer,  
Office of the Advocate General, Uttarakhand High Court Campus, Nainital.

.....**Petitioner**

**VERSUS**

1. State of Uttarakhand through Secretary, Law, Government of  
Uttarakhand, Dehradun.

2. Advocate General, Uttarakhand having its Office at High Court  
Campus, Nainital.

.....**Respondents**

Present: Sri Sanjay Bhatt, Advocate, for the petitioner  
Sri Kishore Kumar, A.P.O., for the respondents

**JUDGMENT**

**DATED: DECEMBER 09, 2022**

**Justice U.C.Dhyani (Oral)**

This Execution Application has been filed by the petitioner for ensuring compliance of the order dated 09.04.2019, passed by this Tribunal in Claim Petition No. 01/NB/DB/2018, operative portion of which reads as under:

“The claim petition is partly allowed. The prayer of the petitioner for granting the benefit of Bonus to him for the period July 2013 to September 2016 is not allowed and is rejected. Modifying the impugned order dated 15.12.2017, the respondent Nos. 1 and 2 are directed to grant other service benefits,

pertaining to the post and to allow and release the withheld increments of the petitioner from back date i.e. 28.08.2014 onwards.

Respondent No. 2 is also directed to consider the candidature of the petitioner for promotion to the post of Additional Private Secretary (APS), by holding a review DPC of DPC, by which the respondent No. 3 was considered and recommended for promotion, as per rules, instead of allowing temporary promotion of respondent No. 3 for indefinite period. Respondent No. 2 is also directed to complete the regular promotional exercise, as per the provisions of the concerned Service Rules, within a period of three months from the date of this order of the court, and the temporary promotion order dated 22.12.2014 of respondent No. 3, will become ineffective automatically after such period of three months from today with all its future consequences.

No order as to costs.”

2. Since the order dated 09.04.2019, passed by this Tribunal in Claim Petition No. 01/NB/DB/2018 has been complied with, therefore, it will be of no use keeping execution application pending. Although, the compliance may not be of the liking of the petitioner, but the fact remains that the order dated 09.04.2019, passed by this Tribunal has been complied with.
3. The execution application is, accordingly, closed.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: DECEMBER 09, 2022*

*DEHRADUN*

*KNP*