

**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. 07 /DB/2023
(*Arising out of judgment dated 30.11.2022,
passed in Claim petition No. 177/DB/2022*)

Ramesh Chandra Bhatt.

.....Petitioner-executioner

vs.

State of Uttarakhand through Secretary, Tourism, Govt. of Uttarakhand, Secretariat,
Dehradun, and others.

.....Respondents.

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

JUDGMENT

DATED: MAY 10, 2022

Justice U.C.Dhyani (Oral)

By means of present execution application, petitioner-executioner seeks to enforce order dated 30.11.2022, passed by this Tribunal in Claim Petition No. 177/DB/2022, Ramesh Chandra Bhatt vs. State and others.

2. The execution application is supported by the affidavit of the petitioner-executioner

3. Instead of narrating the facts of the petition again, it is better if the facts, as narrated in the decision dated 30.11.2022, along with the reasons, are reproduced herein below for convenience.

4. The judgment dated 30.11.2022 passed in Claim Petition No. 177/DB/2022, reads as under:

“By means of present claim petition, the petitioner seeks following reliefs:

“(i) Direct the respondents to decide the representation dated 31.08.2022 of the petitioner on merit within a period of two months (Annexure: A-1).

(ii) To pass any other suitable order, which the Hon’ble Tribunal may deem fit and proper on the basis of facts and circumstances of the case.

(iii) Award the cost of the petition to the petitioner.”

2. The petitioner was appointed as Vedhpathi in Kalimath Mandir, Rudraprayag in the year 1994. Grievance of the petitioner is that whereas his juniors have been regularized on 28.06.2014, he has not been regularized. Ld. Counsel for the petitioner submitted that petitioner made a representation on 31.08.2022, which is pending decision of the respondent authority.

3. The sole prayer of Ld. Counsel for the petitioner is that petitioner’s representation dated 31.08.2022 may kindly be directed to be decided by respondent BKTC, at an early date, in accordance with law. Ld. A.P.O. has no objection if a direction is given to the respondents to decide the representation of the petitioner, in accordance with law.

4. The claim petition is disposed of, at the admission stage, by directing respondent BKTC to decide pending representation of the petitioner by a reasoned and speaking order, in accordance with law, without unreasonable delay, on presentation of certified copy of this order along with a copy of representation. No order as to costs.”

5. It is the submission of Ld. Counsel for the petitioner that a copy of judgment dated 30.11.2022, along with representation was sent to the respondents on 05.12.2022, but still petitioner’s representation has not been decided. The judgment dated 30.11.2022, rendered by the Tribunal in Claim Petition No. 177/DB/2022, Ramesh Chandra Bhatt vs. State & others, has become final, as the same has not been challenged before any superior forum till date. 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 30.11.2022, passed by this Tribunal in Claim Petition No. 177/DB/2022, Ramesh Chandra Bhatt 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 20.05.2023, 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 with the consent of Ld. Counsel for the parties.
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
(virtually from Nainital)

DATE: MAY 10, 2023.
DEHRADUN

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