

**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. 11/DB/2023**

*( Arising out of judgment dated 06.07.2022,  
passed in Claim petition No. 77/DB/2022)*

Bhuwan Chandra Pandey.

.....Petitioner-executioner

**vs.**

State of Uttarakhand through Secretary, P.W.D., Government of Uttarakhand,  
Secretariat, Subhash Road, Dehradun and others.

.....Respondents.

Present: Sri M.C.Pant (online) & Sri Abhishek Chamoli, Advocates,  
for the petitioners-executioners.  
Sri V.P.Devrani, A.P.O., for Respondent No.1.

**JUDGMENT**

**DATED: JULY 18, 2023**

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

By means of present execution application, petitioner-executioner seeks to enforce order dated 06.07.2022, passed by this Tribunal in Claim Petition No. 77/DB/2022, Bhuwan Chandra Pandey vs. State & others.

2. The execution application is supported by the affidavit of Sri Bhuwan Chandra Pandey.

3. The decision rendered by this Tribunal on 06.07.2022, is reproduced herein below for convenience.

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

“(i) To declare and to quash the impugned order dated 01.06.2022 along with its effect and operation after calling the entire record declaring the same as arbitrary, malafide, void and a nullity keeping in view the facts highlighted in the body of the petition and further to direct the respondents to refund the entire amount which has been deducted and recovered by way of the impugned order from the petitioner along with 18% interest thereon.

(ii) To issue order or direction for the grant of damages and the compensation in tune of Rupees five lacs or such amount as the Court may deem fit and proper in the circumstances of the case in favour of the petitioner.

(iii) To award the cost of petition.”

2. At the very outset Ld. Counsel for the petitioner confined his prayer only to the extent that petitioner’s representation dated 15.05.2022 (Annexure: A-11) may kindly be directed to be decided by respondents, at an early date, in accordance with law, to which Ld. A.P.O. has no objection.

3. Ld. A.P.O. stated that the petitioner’s representation dated 15.05.2022 (Annexure: A-11) has been forwarded by Executive Engineer, Provincial Division, P.W.D., Haridwar to Engineer-in-Chief (HOD), P.W.D., Respondent No.2. and the decision of Respondent No.2 on the representation of the petitioner is awaited.

4. The claim petition is, accordingly, disposed of at the admission stage by directing Respondent No.2 to decide the pending representation of the petitioner dated 15.05.2022 (Annexure: A-11), after giving an opportunity of personal hearing to the petitioner, by a reasoned and speaking order, in accordance with law, at an earliest possible, and without unreasonable delay, on presentation of certified copy of this order along with copy of the representation.

5. It is made clear that we have not expressed any opinion on the merits of the case.”

4. It is the submission of Ld. Counsel for the petitioner that petitioner has moved several representations to Respondent No.2, along with copy of judgment dated 06.07.2022, but still petitioner’s representation has not been decided and Tribunal’s judgment/ order dated 06.07.2022 has not been complied with by the respondents. It is also the submission of Ld. 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.

5. Considering the facts of the case, this Tribunal directs the official respondent(s) concerned to comply with the order dated 06.07.2022, passed by this Tribunal in Claim Petition No. 77/DB/2022, Bhuwan Chandra Pandey 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.

6. Petitioner/ executioner is directed to place a copy of this order before the authority(ies) concerned by 28.07.2023, to remind that a duty is cast upon said authority(ies) to do something, which has not been done.

7. Execution application is, accordingly, disposed of at the admission stage with the consent of Ld. Counsel for the parties.

8. Let copies of this order be supplied to Ld. Counsel for the petitioner/executioner and Ld. A.P.O., as per Rules.

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

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

*DATE: JULY 18, 2023.*  
*DEHRADUN*

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