

**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/2023

**[Arising out of order dated 10.01.2023 in claim petition no.
119/NB/DB/2022]**

Hari Ram Verma, aged about 59 years, s/o late Sri Devi Deen, presently working as Executive Engineer (Cane), Office of Cane and Sugar Commissioner, Kashipur, Udham Singh Nagar, Uttarakhand.

.....Executioner-Petitioner

versus

1. State of Uttarakhand through Chief Secretary, Government of Uttarakhand, Dehradun.
2. Additional Chief Secretary, Public Works Department, Government of Uttarakhand, Dehradun.
3. Managing Director, Bridge, Ropeway, Tunnel and other Infrastructure Development Corporation of Uttarakhand Ltd. (BRIDCUL), Dehradun.
4. Cane and Sugar Commissioner, Uttarakhand, Kashipur.

..... Respondents

Present: Sri Ghanshyam Joshi, Advocate, for the petitioner
Sri Kishore Kumar, A.P.O. and Sri V.P. Devrani, A.P.O
for the State/ respondents
Sri Anup Kumar, General Manager (H.R.) and
Sri Ravinder Saini, Law Officer, for respondent no. 3

Judgement

Dated: 11th August, 2023

Justice U.C. Dhyani (Oral)

Present execution application has been filed by the petitioner for directing the respondents to comply with the Tribunal's order dated 10.01.2023 in claim petition no. 119/NB/DB/2022.

2. It is the submission of learned Counsel for the petitioner that the order dated 10.01.2023 passed by this Tribunal in claim petition no. 119/NB/DB/2022 has not been complied with by the respondents and therefore, respondents be directed to comply with the aforesaid order or else Contempt of Courts proceedings be drawn against them.

3. The prayer made by the petitioner in present execution application reads as below:

"It is, therefore, most respectfully prayed that this Hon'ble tribunal be pleased to allow this application and to summon the respondents in person and punish them for committing contempt of this Hon'ble Tribunal's judgement dated 10.01.2023 passed in claim petition no. 119/NB/DB/2022, Hari Ram Verma vs. State of Uttarakhand and others, and further direct the respondents to comply with the judgement and order passed by this Tribunal otherwise the applicant will suffer irreparable loss and injury which cannot be compensated in any manner."

4. It will be appropriate to reproduce the entire order dated 10.01.2023 in claim petition no. 119/NB/DB/2022 herein below for convenience:

"Sri Ravinder Saini, Law Officer, BRIDCUL and Sri Anup Kumar, General Manager, H.R., BRIDCUL are present in the Court.

Sri Saini and Sri Kumar have placed a copy of amended L.P.C. dated 07.01.2023, which has been sent to them by the petitioner on e-mail. Such copy is taken on record. They have submitted that the amended L.P.C. should be signed either by Cane Commissioner or Finance Officer, Cane Department. They also submitted that the petitioner be directed to supply copy of letter dated 11.08.2020, reference of which has been given by the Executive Engineer, Cane Department, in L.P.C.

The officers present here further stated that BRIDCUL will process the issue of arrears of the petitioner and will send the same to the Govt. in P.W.D. for vetting and if the same is cleared by the Govt., BRIDCUL will release the admissible arrears to the

petitioner. Sri Ghanshyam Joshi, learned Counsel for the petitioner has no objection to the same.

After recording the statements of the officers of the respondent-department, who are present in person and which is not opposed by learned Counsel for the petitioner, it will be of no use keeping present petition pending.

The same is accordingly closed with the consent of the parties.

Liberty is, however, granted to the petitioner to make a mention, if the arrears are not paid to the petitioner within reasonable time.”

5. Petitioner wrote a letter to Principal Secretary, P.W.D., Govt. of Uttarakhand on 25.04.2023 for releasing him admissible arrears. The details of arrears have been given in representation dated 25.04.2023 (copy of representation: Annexure No. 5).

6. Petitioner also wrote a letter to Managing Director, BRIDCUL, on 18.04.2023 highlighting his grievances.

7. Sri Anup Kumar, General Manager (H.R.), BRIDCUL, *vide* letter dated 23.02.2023 sought directions from Principal Secretary, P.W.D., Govt. of Uttarakhand (copy of letter: Annexure No. 2). He also wrote a letter to Under Secretary on 17.06.2023 (copy of letter: Annexure No. 3). But nothing has been done so far otherwise the petitioner would not have moved the present execution application.

8. Sri Anup Kumar, General Manager, H.R., BRIDCUL and Sri Ravinder Saini, Law Officer, BRIDCUL are present before the Tribunal. Sri Anup Kumar submitted that demand of Rs. 1,13,480/- was made by the petitioner in the last L.P.C. Proposal was sent to the Govt. against which some queries were made. A reply to the same has been given and the final decision of the Govt. on the same is awaited. Sri Anup Kumar submitted that he is following up with the matter personally and the case of the petitioner will be resolved by 29.09.2023.

9. The Tribunal records the aforesaid statement of Sri Anup Kumar, General Manager, H.R., BRIDCUL, and closes the present execution application. The Tribunal expects that the order dated 10.01.2023 in claim petition no. 119/NB/DB/2022 shall be complied with by the respondent-BRIDCUL by 29.09.2023.

10. If the same is not done, respondents shall be liable to face appropriate action under the law governing the same at their cost and risk.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 11th August, 2023
DEHRADUN
RS