

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

Execution Application No. 15/SB/2023

**[Arising out of order dated 11.07.2023 in claim petition no.
123/SB/2023]**

Smt. Bindeshwari Devlal, w/o late Sri Ram Prasad Devlal, presently
r/o Flat No. 7, L.I.G. Flats Hastal, Uttam Nagar, New Delhi.

.....Executioner-Petitioner

versus

1. State of Uttarakhand through its Secretary, Education, 4, Subhash Marg, Secretariat, Dehradun, Uttarakhand-248001.
2. Secretary, Education, 4, Subhash Road, Dehradun, Uttarakhand.
3. Principal Secretary, Treasury, Pension and Entitlement, Uttarakhand, Dehradun.
4. Additional Director, Education, Garhwal Region, Pauri Garhwal, District Pauri, Uttarakhand-246001.
5. District Education Officer, Pauri Garhwal, D.E.O. Office, Pauri Garhwal, Uttarakhand-246001.
6. Principal, Inter College Adalikhali, P.O. Devlad (Dhumakot), Pauri Garhwal, Uttarakhand-246277.

..... Respondents

Present: Sri Anil Devlal and Sri Sanjeev Kumar Naithani,
Advocates, for the petitioner (*online*)
Sri V.P. Devrani, A.P.O., for the respondents

Judgement

Dated: 03rd November, 2023

Justice U.C. Dhyani (Oral)

Present execution petition has been filed by the
petitioner-executioner being aggrieved against non-compliance of

order dated 11.07.2023, passed by this Tribunal in Claim Petition No. 123/SB/2023.

2. It is the submission of learned Counsel for the petitioner that the order dated 11.07.2023 passed by this Tribunal in claim petition no. 123/SB/2023 has not been complied with by the respondents and therefore, respondents be directed to comply with the aforesaid order or else Contempt of Court 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 in the interest of justice and on the basis of facts and reasons stated herein above the Hon'ble Tribunal may kindly graciously be pleased to direct the Respondents no. 4 & 5 to execute the judgment and order dated 11/07/2023 passed by this Hon'ble Tribunal in the claim petition no. 123/ SB /2023 Bindeswari Devlal vs. State of Uttarakhand & others without any further loss of time as expeditiously as possible & further to pass any such order which Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

4. It will be appropriate to reproduce the entire order dated 11.07.2023 in claim petition no. 123/SB/2023 herein below for convenience:

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

“(i) To direct the respondent nos. 4 and 5 to decide the representation letter dated 18.09.2022 of the applicant (Annexure: 1).

(ii) TO pass any order, writ or direction as this Hon'ble Tribunal deem fit and proper.”

2. The petitioner has mentioned in her representation dated 18.09.2022 that her husband was promoted as Assistant Teacher in L.T. Grade and remained on this post till his death on 17.07.2005. Her husband had completed the needful service in C.T. Grade for the benefit of C.T. L.T. merger. While such benefit of merger was given to the Teachers who were working, the same was not extended to her husband as he had passed away. Several requests letters and representations were filed by the petitioner but the respondents authorities have not responded to the same.

3. Petitioner's prayer, therefore, is that her representation dated 18.09.2022 be directed to be decided by Respondents No. 4 and 5, within a fixed time frame. Ld. A.P.O. has no objection to such innocuous prayer of the petitioner.

4. In view of the above, the Tribunal, without going into the merits of the case, directs Respondents No. 4 and 5 to decide the representation dated 18.09.2022 of the petitioner, in accordance with law, by a reasoned and speaking order within two months of presentation of certified copy of this order along with fresh copy of the representation.

5. The claim petition is disposed of, as above, at the admission stage itself. No order as to costs.”

5. Learned A.P.O., on seeking instructions from District Education Officer, Pauri, submitted that an effort shall be made by the respondent department to decide the representation of the petitioner without further loss of time. The Tribunal records the aforesaid statement of learned A.P.O.

6. This Tribunal, therefore, instead of issuing notices to the respondents, reiterates the order dated 11.07.2023, passed by this Tribunal and requests the authorities concerned to comply with the same without further delay, to avoid further legal complications.

7. Petitioner-executioner is directed to send copies of this order to the authorities concerned by registered post acknowledgement due, to remind them that a duty was cast upon them to do something, which has not been done. The same should be done now, at the earliest possible, without unreasonable delay.

8. If order dated 11.07.2023 is not complied with by the respondent department within a reasonable time, the petitioner shall be at liberty to move contempt-petition against the erring officials, as per law.

(JUSTICE U.C.DHYANI)
CHAIRMAN
[virtually]

DATE: 03rd November, 2023
DEHRADUN
RS