

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

**Execution Application No. 08/SB/2024**

**[Arising out of order dated 25.01.2023 in claim petition no.  
23/DB/2022]**

Sri Ramveer Singh Rathaur, aged about 62 years, s/o Late Sri  
Mulu Singh, r/o C-913, Rajendra Nagar, Bareilly, Uttar Pradesh.

.....Petitioner-Executioner

versus

Secretary, Public Works Department, Government of Uttarakhand,  
Dehradun.

..... Respondent

Present: Sri Ganesh Kandpal, Advocate, for the petitioner  
Sri V.P. Devrani, A.P.O., in assistance of the Tribunal

**Judgement**

**Dated: 25<sup>th</sup> January, 2024**

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

Present execution petition has been filed by the  
petitioner-executioner being aggrieved against non-compliance of  
order dated 25.01.2023, passed by this Tribunal in Claim Petition  
No. 23/DB/2022.

2. It is the submission of learned Counsel for the petitioner  
that the order dated 25.01.2023 passed by this Tribunal in claim  
petition no. 23/DB/2022 has not been complied with by the  
respondent, therefore, the respondent be directed to comply with  
the aforesaid order or else Contempt of Court proceedings be  
initiated against such authority.

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

“It is therefore most respectfully prayed that this Hon’ble Court may graciously be pleased to direct the respondent to comply the judgement and order dated 25.01.2023 passed by this Hon’ble Tribunal in Claim Petition No. 23/DB/2022, Sri Ramveer Singh Rathour Versus State of Uttarakhand and others. Otherwise the applicant/ petitioner will suffer irreparable loss and injury.”

4. It will be appropriate to reproduce the entire order dated 25.01.2023 in claim petition no. 23/DB/2022 herein below for convenience:

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

“(i) Direct the respondent no. 2 to take a decision on the representation of the petitioner dated 27-5-2022 submitted by him regarding benefit of ACP and refixation of the pension of the petitioner (Contained in Annexure No. 1 to this Claim petition).

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

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

2. Brief facts giving rise to present claim petition are as follows:

2.1 Petitioner was an Assistant Engineer in the Public Works Department (P.W.D.). He retired on 30.07.2011. In the year 2010, a vigilance trap was laid. Petitioner was prosecuted. He was tried by Special Judge, Anti Corruption, Dehradun. He was exonerated of the charges under the Prevention and Corruption Act, 1988, which were leveled against him, *vide* judgement/ order dated 29.08.2019. Copy of the judgement rendered in Special Session Trial No. 84/2010 has been brought on record as Annexure: A7.

2.2 When the petitioner was facing prosecution and the trial was going on, Superintending Engineer, 6<sup>th</sup> Circle, P.W.D., wrote a letter to Chief Engineer, garhwal Division, P.W.D., Pauri, on 06.08.2011 (Annexure: A4). Superintending Engineer recommended the case of the petitioner for sanction of final upgradation.

2.3 When the petitioner was exonerated of the charges leveled against him in the criminal trial, he wrote a letter to Executive Engineer, Provincial Division, P.W.D., Uttarkashi, on

16.09.2019 (Annexure: A8) for releasing the retiral dues. Retiral dues, according to the learned Counsel for the petitioner, have been paid to the petitioner, but the benefit of ACP has not been given to him, in respect of which letter dated 06.08.2011 (Annexure: A4) was written.

3. Learned Counsel for the petitioner submitted that Additional Secretary to the Govt. in P.W.D. wrote a letter to Engineer-in-Chief on 21.07.2020 (Annexure: A10) for processing service related matter of the petitioner, as per Rules. Chief Engineer, Establishment, wrote a letter to Chief Engineer, Regional Office, Pauri on 14.09.2020 (Annexure: A11) to provide the recommendation of the screening committee along with the chart for granting financial year upgradation to the petitioner. When nothing was done, the petitioner wrote a letter to Chief Engineer, Garhwal Division, P.W.D., Pauri on 28.08.2020 (Annexure: A12). Feeling aggrieved with the inaction on the part of P.W.D., the petitioner moved a representation to Principal Secretary, P.W.D. on 27.05.2022 (Annexure: A1), which representation is pending consideration of the Govt.

4. The innocuous prayer of the petitioner is that respondent no. 1 may kindly be directed to decide the pending representation of the petitioner at an earliest possible, in accordance with law, to which learned A.P.O. has no objection.

5. Claim petition is disposed of, at the admission stage, by directing respondent no. 1 to decide pending representation of the petitioner by a reasoned and speaking order, in accordance with law, at an earliest possible, preferably within a period of 12 weeks, on presentation of certified copy of this order along with a copy of representation and documents in support thereof. No order as to costs.”

5. Instead of issuing notice to the respondent, the Tribunal reiterates its order dated 25.01.2023, passed in Claim Petition No. 23/DB/2022 and requests the authorities concerned to comply with the same, to avoid further legal complications.

6. Petitioner-executioner is directed to send copy of this order to the authority(ies) 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.

7. If order dated 25.01.2023 is not complied with by the respondent department within a reasonable time, it will be open for

the petitioner to seek appropriate remedy before the appropriate forum against the erring officials, as per law.

8. Execution application is, accordingly, disposed of, at the admission stage, with the consent of learned Counsel for the parties. No order as to costs.

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

*DATE: 25<sup>th</sup> January, 2024*  
*DEHRADUN*  
*RS*