

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

EXECUTION PETITION NO. 10/SB/2024

*(Arising out of judgment dated 22.11.2023,
passed in Claim petition No. 190/SB/2023)*

Mahendra Singh Negi, s/o Sri Hayat Singh Negi, aged 58 years, Senior Administrative Officer, o/o District Education and Training Institute, Gauchar, Chamoli.

.....Petitioner/applicant

vs.

1. The Secretary, Education, Govt. of Uttarakhand, Subhash Road, Dehradun.
2. The Director, Elementary Education, Dehradun.
3. The Additional Director, Elementary Education, Garhwal Mandal, Pauri.
4. Sri Mahipal Singh Panwar, Chief Administrative officer, O/O Dy. Block Education Officer, Dwarahat, Almora.
5. Sri Santosh Kumar Nirala, Senior Administrative officer, through Director Elementary Education, Dehradun.

..... Respondents

Present: Sri Uttam Singh, Advocate, for the petitioner-applicant.
Sri V.P.Devrani, A.P.O., in assistance of the Tribunal.

JUDGMENT

DATED: MARCH 07, 2024

Justice U.C.Dhyani (Oral)

By means of present execution application, petitioner-applicant seeks to enforce order dated 22.11.2023, passed by this Tribunal in Claim Petition No. 190/SB/2023, Mahendra Singh Negi vs. State & others.

2. The execution application is supported by the affidavit of Sri Mahendra Singh Negi, petitioner.

3. The decision rendered by this Tribunal on 22.11.2023, is reproduced herein below for convenience.

“Earlier, in Claim Petition No. 161/DB/2023, Mahendra Singh Negi vs. Secretary, Education, Govt. of Uttarakhand and others, a direction was given by this Tribunal on 12.09.2023 to Respondent No.3 to decide the representation of the petitioner by a reasoned and speaking order, in accordance with law, without unreasonable delay, preferably within 12 weeks on presentation of certified copy of this order along with copy of representation dated 28.07.2023. It is the submission of Ld. Counsel for the petitioner that such representation has not yet been decided so far.

2. In present claim petition, the petitioner has prayed for the following:

“i) Direct the respondents to include, call the name of the petitioner for consideration of promotion from Senior Administrative Officer to Chief Administrative Officer by the DPC.

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.”

[Emphasis supplied]

3 Ld. Counsel for the petitioner prayed that instead of calling the Counter Affidavit, the representation of the petitioner may kindly be directed to be decided by Respondent No.3, by a reasoned and speaking order, within a stipulated time frame, in accordance with law. Documents have been filed with the claim petition. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner.

4. Ld. counsel for the parties submitted that Single Bench of the Tribunal may pass such an order of deciding the representation of the petitioner, as per rule.

5. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by directing Respondent No.3, to decide the representation of the petitioner by a reasoned and speaking order, as per law, without unreasonable delay, preferably within 08 weeks of presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

6. Rival Contentions are left open.”

4. Ld. Counsel for the petitioner submitted that copy of the order passed by the Tribunal on 22.11.2023 was served upon respondent no.3 on 02.12.2023, but the same has not been complied with so far. He also submitted that the judgment passed by the Tribunal on 22.11.2023 has become final, as no review petition has been filed by the respondent department against the said order.

5. It is also the submission of Ld. Counsel for the petitioner/ applicant that casual approach on the part of opposite party(s)/respondent(s) should not be tolerated and strict direction should be given to them to ensure compliance of such order.

6. Ld. counsel for the petitioner/applicant submitted that such direction can be given by the Single Bench of the Tribunal. Ld. A.P.O. agrees with such legal proposition.

7. Considering the facts of the case, this Tribunal directs respondent no.3 to comply with the order dated 22.11.2023, passed by this Tribunal in Claim Petition No. 190/SB/2023, Mahendra Singh Negi vs. State & others, if the same has not been complied with so far, without further loss of time, failing which the concerned authority may be liable to face appropriate action under the relevant law governing the field.

8. Petitioner/ applicant is directed to place a copy of this order before the authority concerned, within a week, to remind that a duty is cast upon said authority to do something, which has not been done.

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

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MARCH 07, 2024.
DEHRADUN

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