

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

Present: Hon'ble Mr. Justice U.C.Dhyani
----- Chairman

Hon'ble Mr.A.S.Nayal
-----Member (A)

EXECUTION PETITION NO. 09/DB/2019

Harish Bhatt, aged about 56 years, S/o Shri Rawadhar Bhatt, R/o RVS Srinagar,
C/o, Base Hospital, Srinagar Garhwal

.....Petitioner

vs.

1. State of Uttarakhand through Principal Secretary/ Secretary, Medical Health and Family Welfare, Government of Uttarakhand, Secretariat, Subhash Road,Dehradun.
2. Director, Medical Health and Family Welfare, Directorate, Chandan Nagar, Dehradun.
3. Joint Director (EPI) Family Welfare Directorate, Chandan Nagar, Dehradun

.....Respondents.

Present: Sri L.K.Maithani and Dr. Aparna Singh, Counsel for the petitioner.
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: MAY 23, 2019

Justice U.C.Dhyani (Oral)

By means of present execution application, the petitioner-executioner seeks to direct the respondents to comply with the order dated 28.01.2009, passed by this Tribunal in Claim Petition No.117/2008.

2. A copy of the aforesaid petition has been placed by the Ld. Counsel for the petitioner before this Tribunal to show that following were party respondents in the claim petition—

- (1) State of Uttarakhand through Secretary, Medical Health and Family Welfare, Government of Uttarakhand, Dehradun.
- (2) Director General, Medical Health and Family Welfare, Directorate, Chander Nagar, Dehradun.
- (3) Joint Director (EPI) Family Welfare Directorate, Chander Nagar, Dehradun.
- (4) Chief Medical Officer, Dehradun.
- (5) Chief Medical Officer, Pauri.
- (6) Chief Medical Officer, Almora.

3. This Tribunal *vide* order dated 28.01.2009 directed as under:

“The representation be decided by the respondents within two months from the date copy of the order is filed before them. The claim petition is decided accordingly, at the stage of admission.”

4. It is the submission of Ld. A.P.O. that the representation was filed by the petitioner only on 16.11.2009, but it is not clear whether the said representation was placed before the respondents of the claim petition or someone else.

5. Be that as it may, since this Court is sitting as an Executing Court, at present, therefore, only order, which could be passed while deciding present execution application is to reiterate the order dated 28.01.2009 and direct the respondents to decide the representation of the petitioner within 8 weeks of presentation of certified copy of this order, as well as copy of the order dated 28.01.2009, along with a copy of representation enclosing all the relevant documents. It is also directed that the petitioner shall place the same before the respondents within 15 days from today, failing which it will be deemed that the petitioner is not interested in pursuing his remedy.

6. Needless to say that the decision so taken, shall be communicated to the petitioner-executioner soon thereafter.

7. The execution application is, accordingly, disposed of, at the admission stage itself.

(A.S.NAYAL)
MEMBER (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MAY 23 , 2019
DEHRADUN

VM