

Dated: 23.02.2021

Present: Sri M.C.Pant, Advocate, for the petitioner-executioner.
Sri V.P.Devrani, A.P.O., for Respondent No.1.

On 24.11.2020, Respondent No.1 was granted time up to 11.01.2021 to file compliance affidavit. This was done on the statement of Sri G.B.Oli, Addl. Secretary, Pech Jal, Govt. of Uttarakhand. On 11.01.2021, compliance affidavit was filed by Ld. A.P.O.. On the said date, Ld. Counsel for the petitioner sought and was granted 2 days' time to file objection against the same. On 13.01.2021, objections were filed by Ld. Counsel for the petitioner-executioner, which were reiterated by him on 14.01.2021. Ld. A.P.O. was thereafter granted time up to 15.01.2021 to file supplementary affidavit clarifying the respondents' position on the objections filed by the petitioner.

On 15.01.2021, this Tribunal passed the following order:

“Supplementary compliance affidavit has been filed by Ld. A.P.O., clarifying that the order dated 07.01.2021 was issued by the Addl. Secretary with the approval of the Secretary on file. It is further clarified in this affidavit that due to typographical mistakes, the dates in the earlier compliance affidavit were wrongly mentioned. This supplementary compliance affidavit is taken on record. Copy of the same has been received by Sri Abhishek Chamoli, Advocate, appearing on behalf of petitioner-executioner. Ld. A.P.O. submitted that the representation of the petitioner has been decided and the order dated 30.07.2020 passed by this Tribunal in claim petition No. 50/DB/2020 has been complied with. Since Sri M.C.Pant, Ld. Counsel for the petitioner-executioner could not be contacted on his mobile number despite several attempts, therefore, we postpone hearing of the execution petition till the reopening of the Tribunal after Winter vacation, on 22.02.2021.”

On the request of Sri Abhishek Chamoli, holding brief of Sri M.C.Pant, Advocate, for the petitioner-executioner, the execution petition has been taken up today.

Whereas Ld. A.P.O. submitted that the representation of the petitioner has been decided and, therefore, the execution petition has now rendered infructuous, Ld. Counsel for the petitioner took exception of the same by submitting that the Respondent State has not come to the Tribunal with clean hands, for which costs, should be imposed on it.

Since petitioner's representation has been decided by the respondents, therefore, present execution application should be closed.

The same is, accordingly, closed.

At this stage of dictation, Ld. Counsel for the petitioner-executioner seeks liberty to file fresh claim petition for redressal of his grievances, which the petitioner can always do, as per law. Such liberty is, accordingly, granted.

Let copy of this order be given to Ld. Counsel for the petitioner-executioner and Ld. A.P.O. free of costs within 48 hours.

RAJEEV GUPTA
VICE CHAIRMAN (A)

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JUSTICE U.C.DHYANI
CHAIRMAN