

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

Through Audio conferencing

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

EXECUTION PETITION NO. 03/DB/2021

Dr. Santosh Kumar Dabral, aged about 65 years, S/o Late Dr. Shiv Prasad Dabral, retired Associate Professor, Chemistry, Government Post Graduate College, Rishikesh, Dehradun, Uttarakhand presently residing at 433 Ganganagar, Lane-2, Ganesh Vihar, Rishikesh-249201.

.....Petitioner-executioner

vs.

1. State of Uttarakhand through Principal Secretary, Higher Education, Government of Uttarakhand, Uttarakhand Secretariat, Dehradun, Uttarakhand.
2. Director, Higher Education, Uttarakhand Nawad Kheda, Gola Par, Haldwani, District Nainital, Uttarakhand-263139.

.....Respondents.

Present: Sri Sanjay Bhatt, Advocate for the petitioner-executioner.

Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: MAY 25, 2021

Justice U.C.Dhyani (Oral)

Present execution petition has been filed by the petitioner-executioner, feeling aggrieved against noncompliance of order dated 09.12.2020.

2. The order sought to be executed is being reproduced herein below for convenience:

“The claim petition is, accordingly disposed of, at the admission stage, by directing Respondents No. 1 & 2 to decide (pending) representation of the petitioner, by a reasoned and speaking order, in accordance with law, at an earliest possible, but not later than 8 weeks of presentation of certified copy of this order, along with a fresh representation.”

3. Ld. Counsel for the petitioner-executioner submitted that despite service of order dated 09.12.2020 through speed post, upon the

Respondents No. 1 & 2 on 24.01.2021, his representation has not been decided and thereby the order of the Tribunal has not been complied with.

4. It is the submission of learned counsel for the petitioner-executioner that the casual approach on the part of respondents-opposite parties should not be tolerated and strict action should be initiated against them.

5. On 17.05.2021, when this Execution application was taken up for admission, Ld. A.P.O. was requested to seek instructions as to why order dated 09.12.2020, passed by this Tribunal in Claim Petition No.111/DB/2020 has not been complied with. Ld. A.P.O. submitted that the order could not be complied with because of spread of Corona virus. He, on seeking instructions from the Respondent No. 2, prays for six weeks' further time to comply with the order of the Tribunal.

6. This Tribunal, therefore, instead of issuing notices to the respondents, reiterates the order dated 09.12.2020, passed by this Tribunal in Claim Petition No.111/DB/2020 and directs the authorities concerned to comply with the same without further delay, failing which, the respondents may be liable to face appropriate action under the Contempt of Courts Act.

7. Petitioner-executioner is directed to send copies of this order, as also the order dated 09.12.2020 to the authorities concerned, within a week, 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 an earliest possible, without unreasonable delay.

8. The execution petition is, accordingly, disposed of at the admission stage.

9. Let this order be uploaded on the Website of the Tribunal.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MAY 25, 2021.
DEHRADUN

KNP