

**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)

**MISC. APPLICATION NO. 01/DB/2021**

Tarun Sharma, aged about 35, S/o Sri K.D.Sharma, Presently posted as Executive Engineer, Udham Singh Nagar Division, Uttarakhand Jal Sansthan, Udham Singh Nagar, Uttarakhand.

.....Applicant-Petitioner

**vs.**

1. State of Uttarakhand through Principal Secretary, Peyjal, Secretariat, Dehradun.
2. Chief General Manager, Uttarakhand Jal Sansthan, Dehradun, Uttarakhand.

.....Respondents.

Present: Sri M.C.Pant, Advocate for the applicant-petitioner.

Sri V.P.Devrani, A.P.O., for the Respondent No. 1

Sri Deepak Singh, Advocate for the respondent No. 2.

**ORDER**

**DATED: JUNE 11, 2021**

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

Present application has been filed by the applicant petitioner under Rule 24 of the U.P. Public Services (Tribunal) (Procedure) Rules, 1992 (for short 'Rules'). Such rule reads as below:

*"24. Orders and directions in certain cases- the Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice."*

The application has been filed to direct Respondent No. 1, *inter-alia*, to forthwith comply with the order dated 22.03.2021 of the Tribunal within such time, as may be prescribed by the Hon'ble Tribunal.

Order dated 22.03.2021 passed in Claim Petition No. 67/DB/2020 reads as below:

*"4. Since present claim petition squarely covered by the decision rendered by us in Ashish Bhatt's Claim Petition, therefore the same is decided in terms of the decision dated 22.03.2021 of Claim Petition No. 61/DB/2020, Ashish Bhatt & others vs. State & others."*

Claim Petition No. 61/DB/2020, Ashish Bhatt & others vs. State & others was decided, as follows:

*"In view of the above, Respondent No. 1 is directed to convene a DPC for consideration of notional promotion of petitioners w.e.f. 05.11.2018. The petitioners, who thus get promoted, shall be deemed to have been promoted w.e.f. 05.11.2018 with all related service benefits. Our adjudication is based upon Annexure A-9, A-10 and averments made in the written statements/ counter affidavits filed on behalf of the respondents. It is made clear that this Tribunal has not expressed any opinion on inter se seniority of the petitioners vis-à-vis others....."*

It is the submission of learned Counsel for the petitioner that although promotion orders of applicant-petitioner and others have been issued *vide* Office Memorandum dated 16.4.2021 of the Drinking Water and Sanitation Department (Copy Annexure A-2), but the order for notional promotion of the petitioner w.e.f. 05.11.2018 with all related service benefits has not been issued.

Sri G.B.Oli, Additional Secretary to the Government in Drinking Water and Sanitation Department, stated, online, that the file has been sent to the Personnel Department of the Government and orders for notional promotion with related service benefits shall be issued by the Department (Drinking Water and Sanitation) within five weeks, by 19.07.2021.

We record the aforesaid statement of Additional Secretary to the Government in Drinking Water and Sanitation Department and dispose of the application, leaving open all other modes for enforcement of the order, available in law, to the applicant-petitioner, if the directions of the Tribunal are not complied with in time.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

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

*DATE: JUNE 11, 2021.*  
*DEHRADUN*  
KNP