

Claim Petition No. 77/NB/DB/2021

Jagdish Chandra

Vs.

State of Uttarakhand

Dated: 14.09.2021

(Through video conferencing)

Present: Sri D.S.Patni, Senior Advocate, assisted by
Sri Dharmendra Barthwal, Advocate,
for the Petitioner
Sri Kishor Kumar, A.P.O.
for the respondents.

Heard.

Admit.

Learned A.P.O. accepts notice on behalf of respondent No.1. He seeks and is granted 6 weeks' time to file C.A./W.S.

In addition, issue notices to Respondents No. 2 to 6 for filing C.A./W.S. Steps shall be taken by the petitioner within three days, by Email as well as by registered post acknowledgement due.

Prayer for interim relief is pressed by Ld. Counsel for the petitioner. Ld. A.P.O. prays for and is granted 14 days' time to file objections on the prayer for interim relief in terms of Section 5(5-A)(b) of Public Services (Tribunal) Act, 1976.

In addition, issue notices to the Respondents No. 2 to 6 for filing objections, if any, on the prayer for interim relief. Steps shall be taken by the petitioner within three days, by Email as well as by registered post acknowledgement due. Notices shall be returnable on or before 04.10.2021.

Sri D.S.Patni, learned Senior Counsel pointed out that while disposing of the Writ Petition (S/S) No. 1022 of 2021 on 07.09.2021, the Hon'ble High Court has directed as under:

"2.....Having heard, this Court is of the view that this matter definitely require deliberation....."

9. When the matter was heard on this point, as stated, now petitioner seeks permission to withdraw the instant petition so as to prefer his claim before the State Public services Tribunal. In view of it, this Court, purely in the interest of justice, considers it expedient that while permitting the petitioner to withdraw the petition, the effect of impugned order should be stayed for a period of 07 working days.

10. Accordingly, the writ petition is dismissed as withdrawn. The effect of impugned order shall remain in abeyance for a period of 07 working days.”

Ld. Senior Counsel, therefore, would argue that since there is mandatory requirement under Section 5(5-A)(b) of Public Services (Tribunal) Act, 1976, to grant at least 14 days' time to file objections on the prayer for interim relief, therefore, the interim order passed by Hon'ble High Court on 07.09.2021 should continue till prayer for interim relief is considered by this Hon'ble Tribunal, in the interest of justice.

In reply, learned A.P.O. stated that the Hon'ble Tribunal may pass appropriate order, as it deems fit, in the interest of justice, in the light of the spirit of order dated 07.09.2021 of the Hon'ble High Court.

List on 04.10.2021 for hearing on interim relief and objections thereon.

Considering the submission of Ld. Senior Counsel for the petitioner & Ld. A.P.O., interim order dated 07.09.2021, passed by the Hon'ble High Court, in Writ Petition (S/S) No. 1022 of 2021 shall continue to operate till 04.10.2021, in the peculiar facts of the case, and in the interest of justice.

RAJEEV GUPTA
VICECHAIRMAN (A)
KNP

JUSTICE U.C.DHYANI
CHAIRMAN