

Execution No. 01/NB/DB/2022

Dhani Ram Chanyal

Vs.

State of Uttarakhand & others

Dated: 15.09.2022

(Virtual)

Present: Sri B.N.Molakhi, Advocate for the petitioner-executioner
Sri Kishor Kumar, A.P.O., for the respondents.

This Tribunal *vide* order dated 26.02.2021 disposed of the Claim Petition No. 07/NB/DB/2021. Order dated 26.02.2021 reads as follows:

"Through this petition, the petitioner has requested for a direction to the respondents to consider his pending representation for promotion and to grant other benefits. Learned A.P.O. on behalf of the respondents also admits that pending representation of the petitioner is under consideration.

Hence, it would be appropriate to dispose of the petition at the admission stage, with the direction to the respondents to decide the pending representation of the petitioner and thereafter, if the petitioner feels aggrieved, his right to approach the Court will be reserved.

In these circumstances, the claim petition is disposed of at the admission stage, with the direction to Respondent No. 2, to decide the pending representation of the petitioner, by a speaking order, within a period of three months from today. Petitioner will have right to approach the appropriate forum, after their decision.

The claim petition is disposed of accordingly."

When the aforesaid order was not complied with, the petitioner filed execution application no. 01/NB/DB/2022, on which, the Tribunal passed an order on 07.04.2021, as below:

"This Execution Petition has been filed by the petitioner-executioner for enforcement of the order dated 26.02.2021, passed by this Tribunal in Claim Petition No. 07/NB/DB/2021, operative portion of which is as follows:

"In these circumstances, the claim petition is disposed of at the admission stage, with the direction to Respondent No. 2, to decide the pending representation of the petitioner, by a speaking order, within a period of three months from today. Petitioner will have right to approach the appropriate forum, after their decision.

The claim petition is disposed of accordingly."

It is the submission of Sri B.N.Molakhi, learned Counsel for the petitioner-executioner that the above noted order has not been complied with by the respondents, which is a serious lapse on their part.

Issue notice to Respondent No. 2 to show cause, on 13.05.2022, as to why the order dated 26.02.2021, passed by this Tribunal in Claim Petition No. 07/NB/DB/2021, has not been complied with. Steps shall be taken by the petitioner within three days, by registered post acknowledgment due. Notice shall be returnable on or before 13.05.2022.

List on 13.05.2022."

Today, learned Counsel for the petitioner, as also learned A.P.O., submitted that the pending representation of the petitioner has been decided. The present execution application has, therefore, been rendered infructuous. Learned Counsel for the petitioner fairly

submitted that the execution application may be dismissed as infructuous.

The execution application is, accordingly, dismissed as infructuous.

RAJEEV GUPTA
VICE CHAIRMAN (A)
KNP

JUSTICE U.C.DHYANI
CHAIRMAN