

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

**REVIEW PETITION NO. 03/SB/2021
[IN CLAIM PETITION NO. 05/ SB/2021]**

1. Uttarakhand Road Transport Corporation through its M.D., Dehradun.
2. Divisional Manager (*Sanchalan*), Uttarakhand Road Transport Corporation, Dehradun.
3. State of Uttarakhand through Secretary (Transport), Govt. Of Uttarakhand, Secretariat, Subhash Road, Dehradun.

.....Review applicants

versus

Sri Jai Prakash Barthwal, s/o Sri Chitara Mani Barthwal, r/o 81/1 C-Nai Basti, Race Course, Officers Colony, Dehradun.

.....Respondent/ O.P.

Present: Sri Vaibhav Jain and Sri Ramdev Sharma, Advocates
for review applicants no. 1 & 2.
Sri V.P.Devrani, A.P.O, for the review applicant no.3.
Sri L.K.Maithani & Sri R.C.Raturi, Advocates,
for the petitioner. (respondent herein)

JUDGMENT

DATED: APRIL 29, 2024

Justice U.C.Dhyani (Oral)

Present review petition has been filed on behalf of the Uttarakhand Road Transport Corporation and others (review applicants) against Sri Jai Prakash Barthwal (respondent) for reviewing order dated 07.04.2021, passed by the Tribunal in Claim Petition No. 05/SB/2021, Jai Prakash Barthwal vs. State of Uttarakhand and others.

2. Review petition is supported by the affidavit of Sri Sanjay Gupta, Divisional Manager (Operation), Uttarakhand Transport Corporation, Dehradun.

3. Operative portion of judgment dated 07.04.2021, passed in Claim Petition No. 05/SB/2021, Jai Prakash Barthwal vs. State of Uttarakhand and others, reads as under:

“Respondents are, therefore, directed to pay to the petitioner, (i) interest on the amount of leave encashment (Rs.6,56,320-00/-) from 01.01.2020 till the date of actual payment and (ii) interest on the remaining amount of gratuity (Rs.5,14,584-00/-) from 01.01.2020 till the date of actual payment. The rate of interest shall be the simple rate of interest payable on General Provident Fund during the relevant period.”

4. Review petition has been filed on various grounds, which have been mentioned in the review petition itself. The Tribunal does not feel it necessary to reproduce those grounds, for the sake of brevity. A prayer has also been made by the review applicants for condoning the delay in filing the review petition, which has not seriously been opposed by Ld. Counsel for the petitioner (respondent herein). The delay in filing the review petition is condoned in the interest of justice.

5. Review petition has been filed by the review applicants, primarily on the ground that, in similar matters, the Division Bench of Hon’ble High Court of Uttarakhand, by way of interim order, stayed the order passed by the Hon’ble Single Judge on 14.06.2022. The Single Bench of Hon’ble High Court of Uttarakhand passed an order on 14.06.2022 in WPSS No.1593 of 2021, Balam Singh Aswal vs. Managing Director and others and connected writ petitions, operative portion of which reads as under:

“50. A writ of mandamus is issued to the respondents and the respondents are directed to pay the entire retiral benefits with its arrears, as sought for by the petitioners in each of the respective Writ Petition, as expeditiously, as possible but not later than three months from the date of production of certified copy of this order.

51. Subject to aforesaid, the Writ Petitions are allowed with the respective cost of Rs.5,000/- each to be paid to the petitioners of each of the Writ Petition, in order to enable them to meet the litigation expenses of forced litigation upon them.

52. This order has been rendered on merit, and not on the basis of the consensus given by the respondents Counsel.

53. In case, if any deduction has been made from retiral benefits or the gratuity of the petitioners, the same would too be remitted back to them within the aforesaid period as directed above.”

6. The Division Bench of Hon'ble High Court passed an order on 06.08.2022 in Special Appeal No. 241/2022, as under:

“In the interregnum, till the next date of listing there shall be a stay of the impugned judgement and order dated 14.06.2022 passed by the learned Single Judge in WPSS No. 1593 of 2021.

However, it is observed that such order passed by us shall not be deemed to authorize the authorities, specially, the appellant to withhold the undisputed/admitted dues including the pension and gratuity which are not disputed.”

7. But, now, as has been pointed out by Ld. Counsel for the parties, the Special Appeals have been dismissed *vide* judgment dated 04.04.2024, as below:

“4. These appeals are being dismissed. A direction is being given to the appellant to comply with the judgment dated 14.06.2022, within the next three months.”

Interim order dated 06.08.2022 has merged in final order dated 04.04.2024.

8. Since the dispute has finally been settled by the Division Bench of Hon'ble High Court, the review petition has rendered infructuous.

9. The review petition is, accordingly, dismissed as infructuous.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: APRIL 29, 2024.
DEHRADUN

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