

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

EXECUTION PETITION NO. 15/SB/2024

*(Arising out of judgment dated 14.01.2022,
passed in Claim petition No. 10/SB/2022)*

Om Prakash Arya.

.....Petitioner-Applicant

versus

1. State of Uttarakhand through Secretary, Urban Development Department, Uttarakhand Secretariat, Subhash Road, Dehradun.
2. Director, Urban Development Department, Uttarakhand Dehradun.
3. Nagar Ayukt, Nagar Nigam, Roorkee, Uttarakhand.

..... Respondents

Present: Dr. N.K. Pant, Advocate, for the Petitioner/applicant
Sri V.P. Devrani, A.P.O., for the Respondents

JUDGEMENT

Dated: 10th May, 2024

Justice U.C.Dhyani (Oral)

By means of present execution application, petitioner-applicant seeks to enforce order dated 14.01.2022, passed by this Tribunal in Claim Petition No. 10/SB/2022, Om Prakash Arya vs. State of Uttarakhand & others.

2. The execution application is supported by the affidavit of Sri Om Prakash Arya, petitioner.

3. The decision rendered by this Tribunal on 14.01.2022, is reproduced herein below for convenience.

“By means of present claim petition, the petitioner seeks following reliefs:

“(i) Issue an order or direction calling for the record and directing the respondents to reimburse the medical bills.

(ii) Issue an order or direction calling for the record and to direct the respondent to pay the interest on the reimbursement amount as per market rates.

(iii) The petitioner is aggrieved by unruly and irresponsible behaviour of the respondent and sought such sum as the Hon’ble Tribunal thinks fit for causing mental harassment and pain.

(iv) Issue any suitable claim, order or direction which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.

(v) Award the cost of claim petition in favour of the petitioner.”

[Emphasis Supplied]

2. Relief clause of the claim petition, which has been reproduced herein above would indicate that present claim petition is for reimbursement of medical bills.

3. Learned Counsel for the petitioner, at the very outset, confined his prayer only to the extent that respondent no. 3 may kindly be directed to decide the representations of the petitioner, within a time bound manner, in accordance with law. Petitioner has given a reference of such representations in para 5(h) of the claim petition.

4. Learned A.P.O. submitted that the medical bills, which are more than one year old, should not be adjudicated by this Tribunal, in view of the bar created under Section 5(1)(b)(i) of the U.P. Public Services (Tribunal) Act, 1976. He, however, submitted that bar is for the Tribunal and not for the Govt., who can decide any claim of the public servant at any point of time.

5. Without elaborating further, claim petition is disposed of, at the admission stage, by directing respondent no. 3 to decide the representations of the petitioner for reimbursement of medical bills by reasoned and speaking order, in accordance with law, at an earliest possible, and without unreasonable delay, on presentation of the certified copy of this order, along with (fresh) representation.

6. Needless to say that the decision so taken shall be communicated to the petitioner soon thereafter.

7. It is made clear that the Tribunal has not expressed any opinion on the merits of the claim petition.”

4. Ld. Counsel for the petitioner submitted that the order passed by the Tribunal on 14.01.2022 has not been complied with by the respondents so far.

5. It is also the submission of Ld. Counsel for the petitioner/ applicant that casual approach on the part of opposite party(ies)/respondent(s) should not be tolerated and strict direction should be given to them to ensure compliance of such order.

6. Ld. counsel for the petitioner/applicant submitted that such direction may be given by Single Bench of the Tribunal. Ld. A.P.O. agrees with such legal proposition.

7. Considering the facts of the case, the authorities concerned in respondent department are directed to comply with the order dated 14.01.2022, passed by this Tribunal in Claim Petition No. 10/SB/2022, Om Prakash Arya vs. State of Uttarakhand & others, if the same has not been complied with so far, without further loss of time, failing which the concerned authorities may be liable to face appropriate action under the relevant law governing the field.

8. Petitioner/ applicant is directed to serve copies of this order on Respondents No. 2 and 3 by registered post acknowledgement due, to remind that a duty is cast upon said authorities to do something, which has not been done.

9. Execution application is, accordingly, disposed of, at the admission stage, with the consent of Ld. Counsel for the parties.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MAY 10, 2024.
DEHRADUN
RS