

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

**EXECUTION PETITION NO. 16/SB/2024**

*( Arising out of judgment dated 04.06.2010,  
passed in Claim petition No. 15/2009)*

Karam Pal Singh, s/o Sri Sarjeet Singh Saini, aged about 54 years, presently posted as Assistant Treasury Officer, Dehradun, Uttarakhand.

.....Petitioner

**versus**

1. State of Uttarakhand, through Secretary Finance, Secretariat, Dehradun.
2. Directorate Treasury, Uttarakhand, Luxmi Road, Dehradun.
3. District Magistrate, Haridwar, Collectorate, Roshanabad, Haridwar.
4. Senior Treasury Officer, Roorkee, Haridwar.

..... Respondents

Present: Sri Abhishek Chamoli, Advocate, for the Petitioner/applicant  
Sri V.P. Devrani, Ld. A.P.O., in assistance of the Tribunal.

**JUDGEMENT**

**Dated: JUNE 04, 2024**

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

By means of present execution application, petitioner-applicant seeks to enforce order dated 04.06.2010, passed by this Tribunal in Claim Petition No. 15/2009, Karam Pal Singh vs. State & others.

2. The execution application is supported by the affidavit of Sri Karam Pal Singh, petitioner. Relevant documents have been filed in support of the execution petition.

3. It is the submission of Ld. Counsel for the petitioner/ applicant that in spite of order dated 04.06.2010 and repeated representations of the petitioner, the said order (dated 04.06.2010), passed by the Tribunal in Claim Petition No. 15/2009, Karam Pal Singh vs. State & others, has not been complied with *in toto*. According to Ld. Counsel for the petitioner, the petitioner/applicant has although been promoted to the post of Junior Clerk/ Assistant Cashier, but only *w.e.f.* 24.12.1996 and no consequential benefits have been given to him.

4. Relevant paragraphs of the judgment dated 04.06.2010, passed by this Tribunal in Claim Petition No. 15/2009, Karam Pal Singh vs. State & others are reproduced herein below for convenience.

“11. We have given our thoughtful consideration to the submissions made by the learned counsel for the parties. This fact is not disputed that the petitioner was promoted in accordance with rules to the post of Junior Clerk after following the procedure laid down in U.P. Treasury Clerical Service Rules, 1978. This fact is also not disputed that petitioner continued to work on the post of Assistant Clerk even after passing of the impugned order dated 15.9.1997 passed by the District Magistrate, Haridwar as the petitioner had obtained a stay order from the Hon'ble High Court, which continued till 10.9.2008 when his writ petition was dismissed by the Hon'ble High Court of Uttarakhand on the ground of alternative remedy. This fact has also not been disputed that two posts of Assistant Clerk are lying vacant in district Haridwar out of one post is available at Treasury, Roorkee and one post is available at Treasury Haridwar. The perusal of the record also reveals that before passing impugned order, the petitioner was not given an opportunity of being heard though he was promoted after following the legal procedure. This is also evident from perusal of Annexure-R-A to R-3 that as contended by the petitioner, one Sri Dharampal who is junior to the petitioner was also promoted to the post of Assistant Cashier and has not been demoted to his original post of Sewak.

12. Considering the facts and circumstances, we are of the view that since two posts of Assistant Clerk/Assistant Cashier are available in District Haridwar Treasuries, there was no justification to demote the petitioner without hearing him to his original Class-IV post. There is nothing on record to suggest that any complaint was ever received about the work and conduct of the petitioner while he worked on the post of Junior. Clerk.

13. In view of the above, we are of the opinion that the impugned order is liable to be quashed.

#### ORDER

The impugned order dated 15.9.1997 passed by the respondent No. 3 is hereby quashed. The respondents are directed to promote the petitioner to the

post of Junior Clerk/Assistant Cashier with all consequential benefits. No order as to costs.”

5. It is the submission of Ld. Counsel for the petitioner/ applicant that various representations have been given by the petitioner, including the last one on 05.03.2024 (Annexure: A-7), but none of these representations has been answered so far. The only prayer of Ld. Counsel for the petitioner/ applicant, at this stage, is to direct the District Magistrate, Haridwar, Respondent No.3, to decide the representation of the petitioner, as speedily as possible. Ld. A.P.O. has no objection to the innocuous prayer of Ld. Counsel for the petitioner/applicant, if a direction is given to the District Magistrate, Haridwar, to decide the representation of the petitioner, in accordance with law.

6. Ld. Counsel for the parties submitted that the execution petition may be disposed of, at the admission stage, with the aforesaid direction. They also submitted that such a direction may be given by the Single Judge of the Tribunal.

7. The execution petition is disposed of, at the admission stage, by directing District Magistrate, Haridwar, Respondent No.3, to decide the representation of the petitioner, by a reasoned and speaking order, as per law, as expeditiously as possible, without unreasonable delay, on presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

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

*DATE: JUNE 04, 2024.*  
*DEHRADUN*

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