

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

EXECUTION PETITION NO. 25/SB/2024

*(Arising out of judgment dated 26.04.2024,
passed in Claim petition No. 31/SB/2024)*

Sri Ramesh Dutt Dobhal, s/o Late Sri Barfeshwar Prasad Dobhal, aged about 64 years, r/o, Harrawala, Dehradun, Uttarakhand.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Secondary Education, Secretariat, Dehradun.
2. Finance & Accounts Officer (Secondary), Office of District Education Officer, Narendra Nagar, District Tehri Garhwal, Uttarakhand.

.....Respondents

Present: Sri Ramesh Dutt Dobhal, petitioner, along with
Sri Ajay Uniyal, Advocate (online), for the petitioner.
Sri V.P. Devrani, A.P.O. for the State Respondents

JUDGEMENT

DATED: SEPTEMBER 17, 2023

Justice U.C.Dhyani (Oral)

Present execution application has been filed by the petitioner-applicant for securing compliance of Tribunal's order dated 26.04.2024 passed in Claim Petition No. 31/SB/2024, Ramesh Dutt Dobhal vs. State of Uttarakhand & others.

2. The execution application is supported by the affidavit of Sri Ramesh Dutt Dobhal, petitioner-applicant. Relevant documents have been filed in support of the execution application.

3. Relevant paragraphs of Tribunal's order dated 26.04.2024, read as below:

"3. The dispute pertains to deduction of certain amount from the gratuity of the petitioner, which according to Ld. Counsel for the petitioner is not permissible in view of the decision rendered by Hon'ble Supreme Court on 18.12.2014 in State of Punjab vs. Rafiq Masih, (2015) 4 SCC 334: AIR 2015 Supreme Court 696, (Para 12, Situation-ii).

4. Ld. Counsel for the petitioner has also prayed for refund of deduction thus made, along with admissible interest in view of Government Order No.979/XXVII(3)Pay/2004 dated 10.08.2004, for which he has made representation to Respondent No.1, which requires to be decided by the said respondent, as per law.

5. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing Respondent No.1 to decide the representation of the petitioner, by a reasoned and speaking order, as per law, without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order along with representation, enclosing the documents in support thereof....."

4. It is the submission of the petitioner/ applicant, who is present in person before the Tribunal, that petitioner's representation has not been decided so far, despite copies of the order dated 26.04.2024 having been served upon the respondents on time.

5. Petitioner prays that a reminder be given to the respondents to comply with the order of the Tribunal dated 26.04.2024, as expeditiously as possible, in accordance with law. Ld. A.P.O. has no objection to such innocuous prayer.

6. The execution application is disposed of, at the admission stage, by directing Respondent No.1, to decide the representation of the petitioner, by a reasoned and speaking order, as per law, without further loss of reasonable time.

7. If the order is not complied with within reasonable time, the respondent(s) may be liable to face suitable action under the law, governing the field.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: SEPTEMBER 17, 2024.
DEHRADUN

VM