

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

**EXECUTION PETITION NO. 26/SB/2024**

*( Arising out of judgment dated 14.02.2024,  
passed in Claim petition No. 13/SB/2024)*

Rakesh Semwal, s/o Sri Medhani Dhar Semwal, age 53 years, serving as Officer on Special Duty, Shri Badrinath Kedarnath Mandir Samiti, Peepal Koti, r/o Miyanwala, Dehradun.

.....**Petitioner -applicant**

**vs.**

1. The Secretary, (Sanskriti & Dharmaswa), Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. The Chairman, Shri Badrinath Kedarnath Mandir Samiti, Canal Road, Dehradun.
3. The Chief Executive Officer, Shri Badrinath Kedarnath Mandir Samiti, Dehradun.

.....**Respondents**

Present: Sri Uttam Singh, Advocate, for the Petitioner(online)  
Sri V.P. Devrani, A.P.O. for the State Respondents.

**JUDGEMENT**

**DATED: OCTOBER 01, 2024**

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

Present execution petition, supported by the affidavit, has been filed by the petitioner-applicant for directing Respondent No.1 to decide his departmental appeal dated 13.10.2023, without further delay.

2. Instead of mentioning the backdrop leading to filing of present execution petition, the Bench thinks it proper to reproduce its earlier order dated 14.02.2024, passed in claim petition no. 13/SB/2024, Rakesh Semwal vs. State of Uttarakhand and others, herein below for convenience:

“By means of present claim petition, petitioner, *inter alia*, seeks to direct the respondent no.1 to decide his departmental appeal dated 13.10.2023 (Annexure: A-1).

2. According to the petition, petitioner is serving as O.S.D., Shri Badrinath Kedarnath Temple Committee (for short, BKTC). He was awarded punishment of stoppage of increment with cumulative effect (major punishment), special adverse entry and recovery of loss caused to the Government, *vide* order dated 13.09.2023 of the Chairman, BKTC, Dehradun (Respondent No.2).

3. Petitioner preferred departmental appeal to the Secretary Religious Endowment, Govt. of Uttarakhand (Respondent No.1), on 13.10.2023. The same has not been decided so far.

4. The prayer of the petitioner, in present claim petition, is to direct Respondent No.1 to decide departmental appeal dated 13.10.2023 (Annexure: A-1) of the petitioner. Ld. Counsel for the petitioner submitted that a direction be given to Respondent No.1 to decide the departmental appeal at an early date. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner. Ld. A.P.O. submitted that a direction may be given to Respondent No.1 to decide the departmental appeal of the petitioner, as per law.

5. Ld. Counsel for the parties submitted that such an order can be passed by Single Bench of the Tribunal.

6. 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 departmental appeal dated 13.10.2023 (Annexure: A-1) 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 copy of appeal, enclosing the documents in support thereof.....”

3. It is the submission of Ld. Counsel for the petitioner-applicant that even after seven months, his departmental appeal is pending for consideration of the Secretary to the Government in Religious Endowment Department, Respondent No.1.

4. Instead of issuing notice to the respondents, the Tribunal thinks it appropriate to remind the Respondent No. 1 that a duty was cast upon him to do something, which has not been done.

5. The execution petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties by directing Respondent No.1, to take an informed decision on the departmental appeal dated 13.10.2023 of the petitioner, as per law, as expeditiously as possible, without unreasonable delay, on presentation of certified copy of this order along with copy of the departmental appeal, enclosing the documents in support thereof.

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

*DATE: OCTOBER 01, 2024.*  
*DEHRADUN*

VM