

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

EXECUTION PETITION NO. 27/SB/2024

*(Arising out of judgment dated 01.03.2024,
passed in Claim petition No. 15/SB/2024)*

Dhirendra Singh Rawat, Office Superintendent (Retd.), s/o Sri Khushal Singh Rawat, r/o Bhadrakali Enclave, Phase-I, Gali-6, Upper Tunwala, Dehradun and others.

.....Petitioners/applicants

vs.

1. State of Uttarakhand through Secretary, Energy, Secretariat, Subhash Road, Dehradun.
2. Managing Director, Uttarakhand Jal Vidyut Nigam Limited, Maharani Bagh, GMS Road, Dehradun.
3. Executive Director, Human Resource, Uttarakhand Jal Vidyut Nigam Limited, Maharani Bagh, GMS Road, Dehradun.

.....Respondents

Present: Sri L.K.Maithani, Advocate, for the petitioners-applicants.
Sri V.P. Devrani, A.P.O. for the Respondent No.1.
Dr. N.K.Pant, Advocate, for Respondents No. 2 & 3.

JUDGEMENT

DATED: OCTOBER 08, 2024

Justice U.C.Dhyani (Oral)

Present execution application has been filed by the petitioners/applicants for enforcing order dated 01.03.2024 passed by the Tribunal in Claim Petition No. 15/SB/2024, Dharendra Singh Rawat & others vs. State of Uttarakhand & others. The said order is reproduced herein below for convenience:

“Although the petitioners have, in present claim petition, prayed for setting aside certain Govt. Orders, but, when the prayer itself was objected to by Ld. A.P.O., representing Respondent No.1 and Dr. N.K. Pant, Advocate, representing Respondents No. 2 & 3, Mohd. Atif, Advocate, holding brief of Sri R.K.Gupta, Ld. Counsel for the petitioners, submitted that similar order, which was passed by this Tribunal on 27.09.2023 in Claim Petition No. 37/SB/2022, Ashok Kumar Joshi and others vs. State of Uttarakhand and others, may kindly be passed in respect of the petitioners of present claim petition too.

2. In response to the query of the Tribunal, as to why petitioners require similar relief at such a belated stage, Ld. Counsel for the petitioners replied that the petitioners of present claim petition could not join the petitioners of claim petition no. 37/SB/2022 at that point of time and party respondent UJVNL is not giving benefit of the judgment dated 27.09.2023, passed in claim petition no. 37/SB/2022, Ashok Kumar Joshi and others vs. State of Uttarakhand and others to the petitioners, therefore, they were compelled to file present claim petition for the selfsame relief which was given by the Tribunal on 27.09.2023 to the petitioners of claim petition no. 37/SB/2022.

3. Dr. N.K.Pant, Ld. Counsel for Respondents No. 2 & 3, submitted that similar order may kindly be passed by the Tribunal, to dispose of the claim petition, at the admission stage, if respondent/ UJVNL finds the case of present petitioners identical to the case of petitioners of claim petition no. 37/SB/2022.

4. It is cardinal principle of law that similar cases should be decided alike. If, case of present petitioners is in parity with the case of petitioners of claim petition no. 37/SB/2022, then, every petitioner of present claim petition may be given opportunity by the respondents, either to opt for pay fixation with MACP according to the G.Os. dated 25.09.2017 and 22.12.2017 or opt for ACP and pay fixation according to G.O. dated 06.01.2022 and Uttarakhand Jal Vidyut Nigam's Office Memorandum dated 15.03.2022.

5. The Tribunal directs that such option may be sought from every petitioner (of present claim petition), within 12 weeks of presentation of certified copy of this order and decision on fixation of pay and applicability of MACP or ACP to the petitioners may be taken accordingly.

6. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties. No order as to costs.”

2. Dr. N.K.Pant, Ld. Counsel for Respondents No. 2 & 3 submitted that if the judgment rendered by the Tribunal on 27.09.2023 in Claim Petition No.37/SB/2022, Ashok Kumar Johi & others vs. State of Uttarakhand & others and judgment dated 01.03.2024 passed in Claim Petition No. 15/SB/2024, Dharendra Singh Rawat vs. State of Uttarakhand & others are implemented, the same will cause hardship to the petitioners. He further submitted that the benefit of the order of the Tribunal can be given only to 39 employees of the Respondent Corporation, but not to Sri Ashok Kumar Joshi and Sri Dharendra Singh Rawat. If such orders are implemented, the same will create anomaly in pay fixation. Moreover, the same will not be useful and beneficial to Sri Ashok Kumar Joshi and Sri Dharendra Singh Rawat, who have since retired.

3. In reply, Sri L.K.Maithani, Ld. Counsel for the petitioners/ applicants submitted that all the petitioners of Claim Petition No. 15/SB/2024 have since retired, implementation of order of the Tribunal dated 01.03.2024 passed in Claim Petition No. 15/SB/2024 will not cause any problem to them. The Tribunal has been informed that order dated 27.09.2023 passed in Claim Petition No.37/SB/2022, Ashok Kumar Johi & others vs. State of Uttarakhand & others has attained finality, inasmuch as the respondents have not challenged the same before the Hon'ble High Court.

4. Review applications for reviewing the order dated 27.09.2023 passed in Claim Petition No.37/SB/2022, Ashok Kumar Johi & others and order dated 01.03.2024 passed in Claim Petition No. 15/SB/2024 Dhirendra Singh Rawat & others have also been dismissed today, inasmuch as there is no error apparent on the face of record or any clerical/ arithmetical mistake or for any other sufficient reason.

5. Keeping in view the facts noted above, the Tribunal reiterates its order passed in Claim Petition No. 15/SB/2024 Dhirendra Singh Rawat & others vs. State of Uttarakhand & others on 01.03.2024, with a direction to the Respondent Corporation to implement the same as expeditiously as possible and without unreasonable delay.

6. The execution application thus stands disposed of, at the admission stage, with the directions as above.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: OCTOBER 08, 2024.
DEHRADUN

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