

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

EXECUTION PETITION NO. 23/DB/2024

*(Arising out of judgment dated 23.07.2019,
passed in Claim petition No. 87/DB/2018)*

Sri Mahesh Chandra Agarwal, aged about 76 years, s/o Late Sri Ram Prakash Agarwal, r/o House No. 29, Lane No. 10, Pragati Vihar, Rishikesh, Dehradun, Uttarakhand.

.....Petitioner /applicant

vs.

1. State of Uttarakhand through Secretary, Irrigation, Secretariat, Subhash Road, Dehradun.
2. Chief Engineer, Irrigation Department of Uttarakhand, Yamuna Colony, Dehradun, Uttarakhand.
3. Executive Engineer, Testing & Control Division, Irrigation Department, presently known as Avasthapan Khand, Joshiyada, Uttarkashi, Uttarakhand.

.....Respondents

Present: Sri M. C. Agarwal, petitioner-applicant (*virtually*)
Sri V.P.Devrani, A.P.O., for Respondent No.1.
Sri Uttam Singh, Advocate, *Amicus Curiae*.
Sri Vishnu Shankar Rana, A.E., Infrastructure Division,
Irrigation Department, Uttarkashi.

ORDER

DATED: JANUARY 27, 2025

Justice U.C.Dhyani (Oral)

On 28.11.2024, The Tribunal passed the following order:

“Petitioner has filed an execution application to ensure compliance of order dated 23.07.2019 passed by the Tribunal in claim petition no. 87/SB/2018, Mahesh Chandra Agarwal vs. State of Uttarakhand and others. The same has been vehemently opposed by Sri V.P. Devrani, learned A.P.O., *inter alia*, on the ground that present execution application is not maintainable inasmuch as the order of the Tribunal has been complied *in toto* by the respondent department, therefore, the execution application is liable to be rejected.

On 19.09.2024, an application was moved on behalf of the respondents to grant time to submit detailed reply.

Sri Purshottam, Executive Engineer, Irrigation Department, has, accordingly submitted the same (to learned A.P.O.) through letter dated 21.11.2024. The same is taken on record. Let a copy of this letter be supplied to the petitioner-applicant, who has filed execution application, today itself.

Sri Uttam Singh, Advocate, who is present in Court in connection with other cases, is appointed as *amicus curiae* to assist the Tribunal to find out whether there is any amount, which remains unpaid to the petitioner. Learned *amicus curiae* shall submit his report within four weeks. He shall be entitled to call the petitioner, learned A.P.O. as well as the staff assisting learned A.P.O. in the Tribunal, hear them and submit his report to the Tribunal within four weeks from today.

List on 03.01.2025 for submission of report of learned *amicus curiae*/further orders.”

2. Sri Uttam Singh, Advocate, *Amicus Curiae*, submitted his report on the last date, *i.e.* 03.01.2025 . *Ld. Amicus Curiae* is of the opinion that the petitioner-applicant is entitled to interest on the difference of gratuity which is quantified as Rs. 68,785/- from 01.08.2008 to 31.07.2017.
3. On the last date *i.e.* 03.01.2025, parties were directed to file response, if any, on the same. Sri Mahesh Chandra Agarwal, petitioner-applicant, who is present, *virtually*, submitted that he is satisfied and is agreeable to the report of *Ld. Amicus Curiae*.
4. *Ld. A.P.O.*, on seeking instructions from the respondent department submitted that a request for release of budget shall be made to the Government in the Irrigation Department and whenever the budget is released, the same shall be credited to the Account of petitioner-applicant.
5. Sri Mahesh Chandra Agarwal submitted that the respondent department should do it at the earliest. *Ld. A.P.O.* assured the Tribunal that the proposal shall be processed as expeditiously as possible.

6. Since none of the parties has any grievance against the report of *Ld. Amicus Curiae*, and a sum of Rs.68,785/- shall be credited to the Account of the petitioner-applicant, no sooner the budget is sanctioned to the respondent department, the Tribunal, feels that no useful purpose would be served by keeping the execution application pending.

7. The same is, accordingly, closed, with the consent of the parties.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 27, 2025.
DEHRADUN

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