

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

EXECUTION PETITION NO. 05/SB/2025

*(Arising out of judgment dated 27.09.2023,
passed in Claim petition No. 37/SB/2022)*

Ashok Kumar Joshi, aged about 61 years s/o Late Sri Khyaliram Joshi, retd as Office Superintendent (Special Grade), UJVN, r/o House No. P-III-27, Yamuna Colony, Dehradun, Uttarakhand, and 129 others.

.....Petitioners/applicants

vs.

1. State of Uttarakhand through Secretary, (Energy) Civil Secretariat, Dehradun.
2. Managing Director, Uttarakhand Jal Vidyut Nigam Ltd. G.M.S.Road, Dehradun.
3. Director, Human Resources, Jal Vidyut Nigam Ltd. G.M.S.Road, Dehradun

.....Respondents

Present: Sri L.K.Maithani, Advocate, for the petitioners-applicants.
Sri V.P. Devrani, A.P.O. for the Respondents.

JUDGEMENT

DATED: MARCH 20, 2025

Justice U.C.Dhyani (Oral)

Present execution application has been filed on behalf of the petitioners-applicants to direct the respondents to comply with the order

dated 27.09.2023, passed in Claim Petition No. 37/SB/2022. Operative portion of the said judgment reads as under:

8.7 In view of the above it shall be in the fitness of the things that every petitioner be asked by the respondents to either opt for pay fixation with M.A.C.P. according to the G.O.s dated 25.09.2017 and 22.12.2017 or opt for A.C.P. and pay fixation according to G.O. dated 06.01.2022 and U.J.V.N.L. office memorandum dated 15.03.2022. The Tribunal hereby directs that such option may be sought from every petitioner within a period of three months of this order and action for fixation of pay and applicability of A.C.P or M.A.C.P. to him/her be taken accordingly.”

2. Execution application is supported with the affidavit of Sri Ashok Kumar Joshi, petitioner-applicant No.1. Relevant documents have been filed along with the same.

3. It has been indicated in Paras No. 7 to 11 of the execution application that the Second Respondent *vide* letter dated 21.12.2023, directed the petitioners to submit their options till 26.12.2023 before the Respondent Department. The petitioners submitted their options, as is evident from letters dated 27.03.2024 and 03.07.2024, which were written to the Government by the Second Respondent. (Copies enclosed as Annexure: 2). After obtaining options from the petitioners, the respondents have not taken any decision and sent the matter to the Govt., as has been revealed in letters dated 27.03.2024 and 03.07.2024 .

4. After obtaining options from the petitioners, the respondents filed Review Application No. 08/DB/2024, before the Tribunal to review the judgment and order dated 27.09.2023, passed in Claim Petition No. 37/SB/2022. The Tribunal, *vide* judgment and order dated 08.10.2024 dismissed the review application of the State. (Copy enclosed as Annexure: 3.)

5. More than 19 months have elapsed since the judgment was delivered by the Tribunal. The petitioners have retired from service. They pray for early decision on their options.

6. It may be noted here that Dr. Sandeep Singhal, In-Charge Managing Director, UJVNL (Second Respondent) has forwarded the matter to the Joint Secretary, Energy, Section-2, Govt. of Uttarakhand, Dehradun,

along with relevant documents. Further, the same authority sent the reminder to the Govt. on 03.07.2024 for seeking directions of the First Respondent in this regard.

7. But, it appears that nothing has been done so far. Otherwise, why the execution application would have been filed on behalf of the petitioners-applicants?

8. It will be in the fitness of the things if First and Second Respondents are directed to bring the matter to its logical conclusion by taking an informed decision in it, under intimation to the representative of the petitioners. The Tribunal is of the view that issuing notices to the respondents will only delay the pending decision, which is to be taken at the level of the first Respondent.

9. Execution application is disposed of, at the admission stage, by making a request to First Respondent to take an informed decision on the letters dated 27.03.2024 and 03.07.2024 of the Second Respondent, as expeditiously as possible and without unreasonable delay.

10. Liberty is given to the petitioners to file an appropriate contempt petition, as per law, before the Tribunal, if no decision is taken by the First Respondent within 08 weeks of presentation of certified copy of this order, along with documents in support thereof before the First and Second Respondents.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MARCH 20, 2025.

DEHRADUN

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