

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

Present: Hon'ble Mr. Justice U.C.Dhyani
----- Chairman

Hon'ble Mr. D.K.Kotia
-----Vice Chairman (A)

EXECUTION PETITION NO. EXEC. 01/DB/2016

Vijai Kumar Sharma S/o Shri Bishen Singh, Carpenter in the office of Executive Engineer (Construction Division), Irrigation Department, Government of Uttarakhand, Dehradun R/o PI-4, Yamuna Colony, Dehradun.

.....Petitioner.

vs.

State of Uttarakhand and Others.

.....Respondents.

Present: Sri L.K.Maithani, Counsel
for the petitioner.

Sri U.C.Dhaundiyal, A.P.O.
for the Respondents

JUDGMENT

DATED: MARCH 22, 2018

Justice U.C.Dhyani (Oral)

This Court, vide order dated 04.03.2015, in claim petition No. 19/2010, had passed the following order:

“The claim petition is allowed. Respondents are directed to regularize the petitioner w.e.f. 04.09.2004 in the pay scale of Rs.2740-4400/-. The petitioner will also be entitled for arrears of pay, if any. No order as to costs.”

2. Compliance report has been filed on behalf of respondents on 26.02.2018 to show that the order sought to be executed, has been complied with.

3. It has been indicated in the compliance report that the petitioner has been granted pay scale of Rs.2750-4400/- w.e.f. 04.09.2004. The Executive Engineer, Irrigation, I & P, Yamuna Colony, Dehradun has also written a letter to A.P.O. that the following has already been paid to the petitioner:

1. Leave Encashment
2. Payment in respect of National Pension System.
3. Group Insurance Scheme.
4. Since arrears from 09.04.2004 to 30.06.2016 are in negative, therefore, no money is payable to the petitioner.
5. Payment in National Pension System shall be recoverable from gratuity.

4. A request is, therefore, made on behalf of respondents to close the execution proceedings.

5. Considering the facts of the case, we see no reason not to accede to the request of respondents. The execution proceedings are, accordingly, closed for full satisfaction.

6. It is the submission of Ld. Counsel for the petitioner that liberty may be granted to the petitioner to move for recall of this order, if the petitioner still feels dissatisfied with the compliance report. Petitioner's counsel could not contact his client on mobile phone, to seek instructions. Such liberty is granted to the petitioner, purely in the interest of justice.

(D.K.KOTIA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MARCH 22, 2018
DEHRADUN

VM