

**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. 08/DB/2018

Dr. Ishwari Prasad Sharma, S/o Sh. B.D.Sharma aged about 68 years, Retd. Dy. Director, Ayurvedic and Unani Services, Uttarakhand, Dehradun R/o Lane No.2, Pushpakunj Colony, Mothrowala Road, Dehradun, Uttarakhand.

.....Petitioner.

vs.

1. State of Uttarakhand through Principal Secretary, (Medical and Medical Education), Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Director General, Ayurvedic and Unani Services, Uttarakhand, Dehradun.

.....Respondents.

Present: Sri L.K.Maithani, Counsel, for the petitioner/ executioner.
Sarvsri U.C.Dhaundiya & V.P.Devrani, A.P.Os., for Opposite Party.

JUDGMENT

DATED: OCTOBER 23, 2018

Justice U.C.Dhyani (Oral)

By means of present execution petition, the executioner/ applicant seeks to punish the respondent/ opposite party for willful disobedience of the judgment and order dated 16.08.2017, passed by this Tribunal in claim petition No. 31/DB/15 P.D.Sharma vs. State and others.

2. The order sought to be executed is being reproduced herein below for convenience:

“The matter is sent back to the Appointing/ Sanctioning Authority i.e. respondent No.1 to consider the representations of the petitioners in claim petition No. 31/ DB/2015 and No. 32/DB/2015 dated 20.04.2015 (Annexure: A 7) afresh in accordance with Rules, Government Orders and also the

observations made in this order and pass a reasoned order within a period of three months from the date of presentation of the copy of this order before respondent No.1. No order as to costs.”

3. Ld. Counsel for the petitioner/ executioner, submitted that despite service of order dated 16.08.2017 (along with his representation), upon the respondent, his representation has not been decided so far.
4. It is the submission of learned counsel for the petitioner/ executioner that the casual approach on the part of opposite parties/respondents should not be tolerated and strict action should be initiated against them.
5. Ld. A.P.Os. appearing on behalf of opposite parties pray for and are granted four weeks’ time to comply with the order of the Tribunal.
6. This Tribunal directs the authority concerned to comply with the same within four weeks (from today), failing which, the opposite parties may be liable to face appropriate action under the relevant law governing the field.
7. Petitioner/ executioner is directed to place a copy of this order, as also the order dated 16.08.2017 before the authority concerned by 30.10.2018, to remind that a duty is cast upon said authority to do something, which has not been done.
8. The execution petition is, accordingly, disposed of.
9. Let a copy of this order be supplied to the learned counsel for the petitioner/ executioner, by 24.10.2018, as per Rules.

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

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: OCTOBER 23, 2018
DEHRADUN

VM