

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

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

Hon'ble Mr. Rajeev Gupta
-----Vice Chairman (A)

EXECUTION PETITION NO. 07 /DB/2020

Premjit Singh, age about 69 years, s/o Late Shri Kartar Singh, r/o 51/3,
Haridwar Road, near Sanjana Pathology, District Dehradun..

.....Petitioner

vs.

1. State of Uttarakhand through Addl. Chief Secretary, Geology and Mining Unit,
Govt. of Uttarakhand, Dehradun.
2. Director, Geology and Mining Unit, Directorate of Industries, Uttarakhand,
Dehradun.

.....Respondents.

Present: Sri V.P.Sharma, Counsel for the petitioner.
Sri V.P.Devrani, A.P.O., for Respondents.

JUDGMENT

DATED: JULY 13, 2020

Justice U.C.Dhyani (Oral)

By means of present execution petition, the petitioner-executioner seeks to punish the respondents/ opposite parties for willful disobedience of the judgment and order dated 18.11.2019, passed by this Tribunal in claim petition No. 64/SB/2019

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

“From the perusal of the above, it is clear that the process of adjustment of the Account was going on between the petitioner and the respondent department. The latter alone cannot be held responsible for the delay in settlement of the account. The retiral dues of the petitioner have been delayed, mainly because of delay in adjustment of these dues as well as projected issue of Topo sheets. Therefore, only normal rates of interest need to be levied on the delayed payments. For the main retiral dues of pension and gratuity, we have already observed that the respondents shall pay interest @ 6% per annum and 8% per annum respectively on the unpaid amounts from the dates they fell due, till the date of actual payment. For GPF, ACP, Leave Encashment and excess payment, it will be in the fitness of things that interest on the respective amounts be calculated @ 6% per annum.

Respondents are directed to pay the aforesaid amounts and interests on delayed payments to the petitioner at the earliest possible.”

3. Ld. Counsel for the petitioner/ executioner, submitted that despite service of order dated 18.11.2019 along with letter dated 03.02.2020, upon the Respondent No.1, with copy of the letter endorsed to Respondent No.2, the judgment and order dated 18.11.2019 has not been complied with 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.O. appearing on behalf of opposite parties prays for and is granted six weeks' time to comply with the order of the Tribunal.
6. This Tribunal directs the authorities concerned to comply with the same within six 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 18.11.2019 before the authorities concerned , by

17.07.2020, 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 this order be uploaded on the Website of the Tribunal.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 13, 2020.
DEHRADUN

VM