

**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. 08 /DB/2020

Devesh Nautiyal, s/o Shri Anusuiya Prasad Nautiyal r/o Village Silla Post Office
Patholldhar, District Rudra Prayag.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Education, Dehradun.
2. Mukhya Shikksha Adhikari, Department of Education, Rudra Prayag.
3. Zila Shiksha Adhikari (Prarambhik Shiksha), Rudra Prayag.

.....Respondents.

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

JUDGMENT

DATED: JULY 31, 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 12.12.2019, passed by this Tribunal in claim petition No. 155/SB/2019

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

“11. Being satisfied with the sufficiency of reasons thus highlighted in support of delay in filing the appeal, coupled with the aforesaid observations of Hon’ble Apex Court, we condone the delay in filing the appeal, in the peculiar facts of the case and direct the appellate authority Respondent No.2 to decide the departmental appeal of the petitioner, on merits, in accordance with law, within a reasonable time.

12. The appellate order dated 16.11.2019 (Annexure: A-3) passed by Respondent No.2 is set aside.

13. The claim petition thus stands disposed of at the admission stage. In the circumstances, no order as to costs.”

3. Ld. Counsel for the petitioner/ executioner, submitted that despite service of order dated 12.12.2019 along with letter dated 26.12.2019, upon the Respondent No.2, the same 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 12.12.2019 before the authorities concerned, by 07.08.2020, 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 31, 2020.
DEHRADUN

VM