

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

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

----- Vice Chairman (A)

EXECUTION PETITION NO. 02/DB/2022

*(Arising out of judgement dated 07.09.2021, passed in
Claim Petition No. 43/SB/2021)*

1. V.K.Chamoli s/o Late Sri Chintamani Chamoli (58 years), 71/36,
Neshvila Road, Dehradun.
2. B.S.Negi, s/o Late Sri D.S.Negi (61 years), 5/164 Mata Mandir Marg,
Ajabpur, Dehradun

..... Petitioners-Executioners

vs.

1. Govt. of Uttarakhand through its Secretary, Housing Department,
Govt. of Uttarakhand.
2. Secretary, Finance, Finance Department, Govt. of Uttarakhand.
3. Secretary/Vice Chairman, Office of the Mussoorie Dehradun
Development Authority, Dehradun.
4. Secretary/Vice Chairman, Office of the District Development
Authority, Rudrapur/Nainital.

.....Respondents

Present: Dr. Narendra Kumar Pant, Advocate, for the petitioners.
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: 14th JANUARY, 2022

Justice U.C. Dhyani (Oral)

By means of present Execution Application, the petitioners seek to ensure compliance of order dated 07.09.2021 passed by this Tribunal in claim petition no. 43/SB/2021, which reads as below:

“Present petition has been filed by the petitioners, who are retired Superintending Engineers of the Housing Department. They are praying for a direction to the respondents to respond to their ‘representation’ dated 15.04.2021, in accordance with law.

2. They seek similar benefits, as were granted to other Superintending Engineers of different departments in the State, in the light of G.O. dated 31.10.2017 of the Finance Department.

3. It is the submission of learned Counsel for the petitioners that while the Superintending Engineers of other departments of the State have been given higher Grade pay of Rs. 8700/- w.e.f. 31.10.2017, as per G.O. dated 31.10.2017, the petitioners have been denied the same. Although petitioners have been given Grade Pay of Rs. 8700/- w.e.f. 05.11.2018, but they deserve to get the same w.e.f. 31.10.2017, like others.

4. Learned Counsel for the petitioners has confined his prayer only to the extent that petitioners’ ‘representation’ dated 15.04.2021 may kindly be directed to be decided by the Respondent No.1, in accordance with law. Learned A.P.O. is not averse to the limited prayer of learned Counsel for the petitioners for a direction to decide petitioners’ representation dated 15.04.2021, as per Rules.

5. Considering the facts of the case and oral submissions made in this behalf, this Tribunal is of the view that innocuous prayer made by learned Counsel for the petitioner is worth accepting.

6. Without prejudice to rival contentions, the claim petition is disposed of by directing Respondent no. 1 to consider petitioners’ representation, after consultation with the Finance Department, in accordance with law, at an earliest possible, but not later than 10 weeks of presentation of certified copy of this order, along with fresh representation enclosing the documents in support thereof.

7. Needless to say that the decision so taken shall be communicated to the petitioner soon thereafter.

8. It is made clear that this Tribunal has not expressed any opinion on the merits of the claim petition.”

2. It is the submission of learned Counsel for the petitioners that despite presentation of certified copy of the order, along with fresh representation, the same has not been considered by respondent no.

1, after consultation with the Finance Department, in accordance with law, within stipulated period.

3. Instead of sending the notice to respondent no. 1, the Tribunal deems it proper to remind the respondent no.1 that a duty was cast upon him to do something, which has not been done, as per the version of the petitioner.

4. The Tribunal, therefore, directs respondent no. 1 to consider petitioner's representation after consultation with the Finance Department, without further loss of time and without unreasonable delay, but in accordance with law.

5. Execution Application is, accordingly, disposed of at the admission stage.

6. Let a certified copy of this order be supplied to the petitioner on or before 21.01.2022 to enable him to serve a copy of the same in the office of respondent no. 1.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 14, 2022
DEHRADUN
RS