

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

**EXECUTION PETITION NO. 19 /DB/2022**

*( Arising out of judgment dated 08.09.2021, passed in Claim petition No. 22DB/ 2000)*

Arun Kumar Goel, aged 59 years plus, s/o Shri Pooran Mal Goel, r/o Mahadev Vihar General Mahadev Singh Road, Dehradun, employed as Superintending Engineer in office of Engineer-in-Chief, P.W.D., Dehradun

.... Petitioner-executioner

**vs.**

1. State of Uttarakhand through Principal Secretary, P.W.D., Govt. of Uttarakhand, Secretariat, Dehradun.
2. Engineer-in-Chief and Head of the Department, P.W.D., Uttarakhand, Dehradun.

.....Respondents.

Present: Sri Arun Kumar Goel, Petitioner-executioner.  
Sri V.P.Devrani, A.P.O., for the Respondents /State.

**JUDGMENT**

**DATED: NOVEMBER 07, 2022**

**Sri Rajeev Gupta, Vice Chairman (A) (Oral)**

This Tribunal *vide* its judgment and order dated 08.09.2021 passed in Claim Petition No. 22/DB/2020 had observed that the order issued by State of U.P. in 2009, whereby the petitioner was promoted to the post of Assistant Engineer for the vacancy of selection year of 1990-91 still exists and fixation of his seniority on that basis can be done only by the State of U.P. in view of the various decisions of Hon'ble Courts. The respondents were directed to get the seniority of the petitioner determined as above from Government of U.P. and get the amended seniority list of the Assistant Engineers working in the State of U.P. at that time.

3. Respondent/ State of Uttarakhand filed a WPSB No. 199/2022 against the above judgment and order of this Tribunal, which was dismissed by Hon'ble High Court of Uttarakhand by its order dated 04.07.2022, observing the following:

“...In the aforesaid light, there is no reason for us to interfere with the directions issued by the Uttarakhand Public Services Tribunal in the impugned judgment dated 08.09.2021 passed in Claim Petition No. 22/DB/2020, which only directs the petitioners, before us, to get the respondent's seniority determined from the Government of Uttar Pradesh in the cadre of Assistant Engineers.

We, accordingly, find no merit in the writ petition and dismiss the same.”

4. Consequently, the Principal Secretary, P.W.D., Uttarakhand sent a letter dated 11.07.2022 to his counterpart of U.P. Government along with copies of orders of this Tribunal and Hon'ble High Court, requesting him to take further action in the matter of determination of seniority of petitioner Sri Arun Kumar Goel.

5. A reply to this letter received *vide* letter dated 23.08.2022 of Sri Rajendra Prasad, Deputy Secretary, P.W.D., Govt. of U.P., has been filed before this Tribunal which states that according to U.P. Govt. Memorandum dated 20.11.2009, it has already been intimated that Sri Arun Kumar Goel is an employee of Uttarakhand State and, therefore, action for determination of his seniority on the post of Assistant Engineer, P.W.D. (Civil) is required to be taken by P.W.D. of the State of Uttarakhand and not by P.W.D. of State of U.P.

6. It is clear that this reply dated 23.08.2022 has been sent by the Deputy Secretary, P.W.D., Govt. of U.P. without going into the orders of this Tribunal and Hon'ble High Court of Uttarakhand. Therefore, this Tribunal feels that the matter should be taken up at a higher level in the U.P. Govt.

7. Respondents are directed to bring the matter to the notice of the Chief Secretary, State of Uttarakhand and get a letter written by him to the Chief Secretary, State of U.P., requesting him to take action for determining

the seniority of the petitioner, as ordered by this Tribunal and Hon'ble High Court of Uttarakhand, without unreasonable delay.

8. With the above observations, the execution petition is disposed of. No order as to costs.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: NOVEMBER 07, 2022*  
*DEHRADUN*

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