

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

EXECUTION APPLICATION NO. 20 /DB/2022

*(Arising out of judgment dated 29.04.2022,
passed in Claim petition No. 57/DB/2022)*

Sri Ravindra Singh Rawat.

.....Petitioner-executioner

vs.

State of Uttarakhand through Secretary and another.

.....Respondents.

Present: Dr. N.K.Pant, Advocate, for the petitioner-executioner.(online)
Sri V.P.Devrani, A.P.O., for the respondent no.1.

JUDGMENT

DATED: AUGUST 24, 2022

Justice U.C.Dhyani (Oral)

The Claim Petition No. 57/DB/2022, Ravindra Singh Rawat vs. State of Uttarakhand and another was filed by the petitioner on 27.04.2022, for the following reliefs:

“(i) Issue an order or direction calling for the record and granting the similar pay and other service benefits as granted to similarly situated employees vide G.O. dated 21.03.2016, with interest.

(ii) Issue any suitable claim, order or direction which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.

(iii) Award the cost of the claim petition to the petitioner.”

2. The petitioner thus prayed for enforcement of G.O. dated 21.03.2016, with interest, for him, which, *prima facie* appeared to be barred by limitation. Ld. Counsel for the petitioner then made a request to withdraw the claim petition. The Tribunal passed the order on 29.04.2022, as follows:

“Present: Dr. N.K.Pant, Advocate, for the Petitioner.

Sri V.P.Devrani, A.P.O., for Respondent No.1.

Learned Counsel for the petitioner seeks to withdraw the claim petition with liberty to the petitioner to make a representation to respondent no.2 for disposal, in accordance with law.

Learned A.P.O. has no objection to such innocuous prayer.

The claim petition is disposed of as withdrawn with liberty as above.”

3. Present execution application has been filed as a sequel to the aforesaid orders and for compliance of order dated 29.04.2022 [Paras No.4, 5 &6 of the execution application]. The Tribunal finds that a notice dated 30.04.2022, Annexure: E-2, was given by Ld. Counsel for the petitioner to Vice Chairman /Secretary, M.D.D.A., Dehradun also.

4. It is the submission of Ld. Counsel for the petitioner that order dated 29.04.2022 has not been complied with, therefore, the same may be directed to be complied with by Respondent No.2, Vice Chairman /Secretary, M.D.D.A.

5. Ld. A.P.O. submitted that no direction was given by the Bench to Respondent No.2 to decide the representation of the petitioner, therefore, the execution application should be dismissed at the threshold.

6. **The Tribunal observes that no direction was given by the Bench to Respondent No.2 to decide the representation of the petitioner. It was only the statement of Ld. Counsel for the petitioner that liberty be given to the petitioner to make representation to Respondent No.2, for disposal, in accordance with law. Such liberty was granted, but no direction was given by the Tribunal.**

7. **Granting liberty to do something is one thing and direction to a Public Authority to do something is another thing. Liberty thus granted cannot partake the nature of a direction.**

8. Since there was no direction of the Tribunal, therefore, the same cannot be put to execution. The execution application thus moved, is not maintainable. The same is, accordingly, dismissed at the admission stage.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 24, 2022
DEHRADUN

VM