

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

**EXECUTION PETITION NO. 16/SB/2023**

*( Arising out of judgment dated 18.03.2023,  
passed in Claim petition No. 54/DB/2023)*

Rameshwar Prasad Juyal.

.....Petitioner-executioner

**vs.**

State of Uttarakhand through Secretary, Forest & Environment, Government  
of Uttarakhand, Secretariat, Subhash Road, Dehradun and others.

.....Respondents.

Present: Sri M.C.Pant (online) & Sri Abhishek Chamoli, Advocates,  
for the petitioner-executioner.  
Sri V.P.Devrani, A.P.O., in assistance of the Tribunal.

**JUDGMENT**

**DATED: NOVEMBER 09, 2023**

**Justice U.C.Dhyani (Oral)**

By means of present execution application, petitioner-executioner seeks to enforce order dated 18.03.2023, passed by this Tribunal in Claim Petition No. 54/DB/2023, Rameshwar Prasad Juyal vs. State & others.

2. The execution application is supported by the affidavit Sri Rameshwar Prasad Juyal.

3. The decision rendered by this Tribunal on 18.03.2023, is reproduced herein below for convenience.

“The petitioner's grievance is that he is entitled to get the benefit of 3<sup>rd</sup> financial upgradation with Grade Pay Rs. 54,00/- w.e.f. 25.12.2011, according to G.O. no. 589 dated 01.07.2013, which has been issued in terms of the G.O. no. 872 dated 08.03.2011. The petitioner moved representations to the respondents requesting that he may be granted the above benefit, but till today, no decision has been taken on the same. Since the petitioner has retired from service on 31.10.2017, the respondents are duty bound to consider the prayer of the petitioner.”

2 Learned Counsel for the petitioner, therefore, humbly submitted that the petitioner shall make a fresh representation to respondent no. 2 highlighting his grievance, as have been mentioned in present claim petition, and prays that a direction be given to respondent no. 2 to decide the representation of the petitioner in a time bound manner, as per law. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner, if rival contentions are left open.

3. The claim petition is disposed of, at the admission stage, by directing respondent no. 2 to decide the representation of the petitioner by a reasoned and speaking order, in accordance with law, at the earliest, preferably within 12 weeks of presentation of certified copy of this order, along with representation.

4. When such representation is decided, it will be the duty of the respondent department to communicate the same to the petitioner. In the circumstances, no order as to costs.”

4. It is the submission of Ld. Counsel for the petitioner that petitioner supplied the copy of judgment dated 18.03.2023 to the respondent no. 2 on 17.04.2023 (Annexure: 2), but, till date order dated 18.03.2023 has not been complied with by the authority concerned. It is also the submission of Ld. Counsel for the petitioner/ executioner that casual approach on the part of opposite party(s)/respondent(s) should not be tolerated and strict direction should be given to them to ensure compliance of such order. [Ld. counsel for the petitioner/executioner submitted that such direction can be given by the Single Bench of the Tribunal. Ld. A.P.O. agrees with such legal proposition].

5. Considering the facts of the case, this Tribunal directs the respondent no.2 to comply with the order dated 18.03.2023, passed by this Tribunal in Claim Petition No. 54/DB/2023, Rameshwar Prasad Juyal vs. State & others, if the same has not been complied with so far, without further loss of time, failing which the concerned respondent(s) may be liable to face appropriate action under the relevant law governing the field.

6. Petitioner/ executioner is directed to place a copy of this order before the authority concerned to remind that a duty is cast upon said authority to do something, which has not been done.

7. Execution application is, accordingly, disposed of at the admission stage with the consent of Ld. Counsel for the parties.

8. Let copies of this order be supplied to Ld. Counsel for the petitioner/executioner and Ld. A.P.O., as per Rules.

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

*DATE: NOVEMBER 09, 2023.*  
*DEHRADUN*

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