

**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 APPLICATION NO. 07/NB/DB/2022

(Arising out of judgment dated 31.08.2021,
passed in Claim petition No. 55/NB/DB/2019)

Shri Atul Semwal

.....Petitioner

vs.

The Secretary, School Education, Uttarakhand, Secretariat, Dehradun, District
Dehradun.

.....Respondent

Present: Sri Mukesh Kumar Kaparuwan, Advocate, for the Petitioner.
Sri V.P.Devrani, A.P.O. for the Respondent.

JUDGMENT

DATED: FEBRUARY 21, 2021

Justice U.C.Dhyani (Oral)

Present Execution Application has been filed by the petitioner for enforcing the order dated 31.08.2021, passed by this Tribunal in Claim Petition No. 55/NB/DB/2019, which runs as below:

“19. The order impugned is, accordingly, set aside with a liberty to the disciplinary authority to pass a fresh order, in accordance with law, at an earliest possible, and in any case before 30.11.2021, in the light of observations made by the Tribunal in the foregoing paragraphs of this judgment.

20. Second prayer of the petitioner is to direct the respondents to promote him on the post of Deputy Director w.e.f. the date his junior has been promoted and to open the sealed envelope for this purpose. It is submitted by Ld. Counsel for the petitioner that one post of Deputy Director is vacant and the petitioner prays for promotion to the said post. Since the order impugned has been set aside with a liberty to the disciplinary authority to pass a fresh order in accordance with law, on or before 30.11.2021, therefore, a direction is given to

the respondents to open the sealed envelope while holding DPC for the post of Deputy Director, latest by 15.12.2021.”

2. It is the submission of learned Counsel for the petitioner that despite directions to the respondents (of claim petition), to promote the petitioner on the post of Deputy Director *w.e.f.* the date his junior has been promoted and to open the sealed envelope for this purpose, neither the sealed envelope has been opened nor the meeting of the DPC has been convened for the post of Deputy Director. A direction was given to the respondents to open the sealed envelope while holding DPC for the post of Deputy Director, latest by 15.12.2021.

3. Considering the above noted facts of the case, the Tribunal is of the view that the present Execution Application can be disposed of by reminding the respondents (of the claim petition) that a duty was cast upon them to do something, which has not been done. Learned Counsel for the petitioner, as also learned A.P.O., agree that the Execution Application may be disposed of at the admission stage by reminding the respondent authorities (of the claim petition) to comply with the order dated 31.08.2021, passed by this Tribunal in Claim Petition No. 55/NB/DB/2019.

4. While disposing of the Execution Application, the respondents (of the claim petition) are directed to comply with the order noted above, without further loss of time, to avoid further legal complication(s).

5. Petitioner is directed to serve a copy of this order, as also the copy of order dated 31.08.2021 in the offices of the respondents.

6. Let copy of this order be also supplied to learned A.P.O. for onward submission to the respondents.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: FEBRUARY 21, 2022
DEHRADUN

KNP