

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

EXECUTION PETITION NO. 12/SB/2025

*(Arising out of judgment dated 05.02.2025,
passed in Claim petition No. 117/DB/2019)*

Smt. Anita Panwar

.....Petitioner/applicant

vs.

1. State of Uttarakhand through Secretary, Panchayati Raj and Rural Engineering Services, Govt. of Uttarakhand, Dehradun.
2. Chief Engineer- Level-1, Rural Works Department, Uttarakhand.

..... Respondents

Present: Sri M.C.Pant, Advocate, for the petitioner-applicant.(online)
Sri V.P.Devrani, A.P.O., for the respondents.

JUDGMENT

DATED: JUNE 03, 2025

Justice U.C.Dhyani (Oral)

By means of present execution application, petitioner-applicant seeks the following reliefs:

“I. Direct the Respondents to forthwith comply with the Judgment and Order dated 05.02.2025 passed in Claim Petition No. 117/DB/2019, by releasing all service benefits

and post-retiral dues as granted to the original Petitioner, and as accrued to the Applicant as his legal representative.

II. Take appropriate action against the Respondents for their willful disobedience and non-compliance of the said Judgment and Order;

III. Award costs of the present proceedings in favour of the Applicant and against the Respondents for causing unnecessary hardship, delay, and compelling the Applicant to approach this Hon'ble Tribunal for relief;

IV. Grant any other or further relief as this Hon'ble Tribunal may deem just, fit, and proper in the facts and circumstances of the present case”.

2. The execution application is supported by the affidavit of Smt. Anita Panwar, petitioner-applicant along with copy of the judgment passed by the Tribunal on 05.02.2025.

3. Claim Petition No. 117/DB/2019, Smt. Anita Panwar & others vs. State of Uttarakhand & another was decided by the Tribunal *vide* judgment/ order dated 05.02.2025. Relevant paragraphs of the judgment dated 05.02.2025 are reproduced herein below for convenience.

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12. The Tribunal observes that no departmental enquiry was conducted by the respondent department. Punishment was set aside by the Hon'ble High Court, who was pleased to give liberty to respondent to initiate enquiry. But, ironically, no enquiry was conducted even thereafter. In other words, neither any enquiry was conducted while giving punishment order in the 1st round, nor was any enquiry conducted while giving punishment in the 2nd round. It was, therefore, not proper on the part of the enquiry officer to hold that since the charge sheet, enclosures and enquiry report dated 12.10.2017 remain as it is, (therefore the delinquent petitioner is held guilty) on the basis of such documents. Although, the words, 'the petitioner is held guilty' have not been mentioned in the letter dated 22.03.2018, but the obvious reference would be that the petitioner has been held guilty on the basis of earlier enquiry report. It is strange to note that the delinquency of the petitioner was not enquired in the 1st round, then where is the question of relying upon the documents filed earlier, in the 2nd round? To make it further clear, enquiry officer relied upon the 1st inquiry, which was never conducted and was the sole basis of setting aside the impugned punishment order by the Hon'ble High Court in the 1st round of

litigation. The enquiry officer relied upon the same enquiry in his letter dated 22.03.2018, which enquiry was never conducted. Then, where is the question of holding the petitioner guilty?

13. Simply because the delinquent petitioner stated that he has no further explanation to furnish, the petitioner cannot be held guilty. The department had to prove, by cogent evidence, on the basis of preponderance of probability, that the charge is established against the delinquent petitioner. Nothing has been done in the instant case. It is a case of no enquiry, no evidence.

14. Therefore, there is no option before the Tribunal, but to set aside the impugned punishment order. Had the petitioner been alive, the Tribunal would have directed the department to conduct fresh enquiry, as is often done by Hon'ble Courts and Tribunals in such cases. Petitioner has since passed away, therefore, no fresh enquiry can be conducted against him.

15. The impugned order is, accordingly, set aside. Consequences shall follow. The petitioner (in his absence, his legal representatives) shall be given all benefits, which were available to the original petitioner Sri Ram Lal *alias* Sri Ram Singh during his service period, after his reinstatement. After the death, his legal representatives shall be entitled and shall be released post retiral dues.

16. Respondents are directed to release all the benefits to the surviving members of the petitioner's family, as expeditiously as possible and without unreasonable delay."

4. Ld. Counsel for the petitioner submitted that till date order dated 05.02.2025 has not been complied with by the authority concerned. It is also the submission of Ld. Counsel for the petitioner that casual approach on the part of opposite party(ies)/respondent(s) should not be tolerated and strict direction should be given to them to ensure compliance of such order

5. The execution application is disposed of, at the admission stage, by directing the authority(ies) concerned, to comply with the order of the Tribunal dated 05.02.2025, passed in Claim Petition No. 117/DB/2019, Smt. Anita Panwar & others vs. State of Uttarakhand and another, if the same has not been complied with so far, as expeditiously as possible and without unreasonable delay on presentation of certified copy of this order, failing which the concerned authority(ies) may be liable to face appropriate action under the law governing the field.

6. The execution petition thus stands disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, with the directions as above.

7. Liberty is granted to the petitioner to make an oral mention, if the order is not complied within eight weeks of presentation of certified copy of this order before Respondent No.2.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JUNE 03, 2025.
DEHRADUN

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