

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

ORDER SHEET

EXECUTION APPLICATION NO. 04/DB/2016

Subodh Chandra Mathur vs. State of Uttarakhand and another.

DATED: 02.06.2025

On mention

Present: Sri M.R.Saklani, Advocate, for the petitioner-applicant.
Sri V.P. Devrani, A.P.O., for Respondent/State.
Sri B.S.Rawat, Advocate, for Sugarcane Department.

The claim petition No. 42/SB/2015 was filed by Sri S.C.Mathur against Doiwala Sugar Company Ltd. and others. The claim petition was allowed *vide* order dated 25.05.2015, operative portion of which reads as follows:

“The petition is allowed with costs. The Respondents No. 2 & 3 are directed to make payment of Rs.96,904.40/- along with simple interest @ 9% per annum w.e.f. 31.03.2003 till actual payment to the petitioner. The payment should be made of whole of the amount including costs within a period of three months from today.”

Against such order of the Tribunal, writ petition was filed before Hon’ble High Court of Uttarakhand. Hon’ble Court passed an order on 20.11.2015 in WPSB No. 499/2015, as follows:

“Mr. Ganesh Kandpal, Advocate for the petitioner.
Notice to respondent nos. 1 and 2 on the question of interest only.
Mr. Ravindra Singh Bisht, Brief Holder accepts notice for respondent no.3.
At this stage, it is not necessary to issue notice to respondent no.4.
List this matter immediately after service is complete.
There will be an interim order staying the impugned order insofar as it relates to the interest part only.
Interim Relief Application (CLMA No. 13139 of 2015) stands disposed of.”

[Emphasis supplied]

2. Present Execution Application No. 04/DB/2016 was filed by the petitioner to secure compliance of the order dated 25.05.2015, passed by this Tribunal in Claim Petition No. 42/SB/2014, S.C.Mathur vs. State and others.

3. Since there was an interim stay against the order of the Tribunal, to the extent it related to interest part only, for which execution application was filed, therefore, the execution application continued to remain adjourned on different dates. Parties were given liberty to make a mention for early hearing of the execution application, if the stay is vacated or some other order is passed by the Hon'ble High Court.

4. Today, Sri M.R. Saklani, Ld. Counsel for the petitioner made a mention that the WPSB No. 499/2015 has been decided by the Hon'ble Court, as under:

-“ Doiwala Sugar Company Ltd. has challenged the judgment dated 25.05.2015, passed by Uttarakhand Public Services Tribunal, Dehradun in Claim Petition No. 42/SB/2014. By the said judgment, Uttarakhand Sahkari Chini Mills. Ltd. and Doiwala Sugar Company Ltd. were directed to make payment of `96,904.40/-, along with simple interest @ 9% per annum, to Mr. Subodh Chandra Mathur (respondent no. 1 herein) w.e.f. 31.03.2003 till actual payment is made to him.

2. Learned counsel for the petitioner submits that respondent no. 1 was an employee of U.P. Sugar Corporation and he remained posted with Doiwala Sugar Factory, which was a Unit of U.P. Sugar Corporation, only from 07.10.1998 to 28.10.2001 therefore, Doiwala Sugar Company should not have been made liable to pay the amount in question. He points out that respondent no. 1 was transferred from Doiwala Sugar Factory to another unit of U.P. Sugar Corporation at Saharanpur on 28.10.2001 and he took voluntary retirement while serving at Saharanpur w.e.f. 15.03.2003.

3. Mr. Vishwa Prakash Bahuguna, learned counsel appearing for respondent no. 1 submits that management and control over Doiwala Sugar Company was transferred by U.P. Sugar Corporation to Uttarakhand Sugars w.e.f. 17.01.2002, and before its transfer, a Memorandum of Understanding was signed between authorities of U.P. and Uttarakhand State, according to which, all assets and liabilities of Doiwala Sugar Company were transferred to Uttarakhand State. He further submits that respondent no. 1 was entitled to upgradation in his pay scale, on account of his crossing efficiency bar w.e.f, 01.01.1993, order wherefor was passed on 14.01.2003, however, respondent no. 1 was not paid the arrears of pay which became payable consequent to crossing of efficiency bar. He submits that Doiwala Sugar Company was liable to pay arrears of salary for the period respondent no. 1 served there. He further submits that payment of arrears of salary was made to respondent no. 1 only in the year 2016 after judgment of learned

Tribunal. Thus, he submits that the judgment rendered by learned Tribunal cannot be faulted.

4. We find substance in the submission made by learned counsel for respondent no. 1. Since, respondent no. 1 was denied arrears of salary, which had accrued on account of his crossing the efficiency bar and there was delay of fourteen years in paying such arrears to him, therefore, learned Tribunal was justified in directing for payment of interest for delayed payment.

5. Thus, there is no scope for interference. The writ petition fails and is dismissed. No order as to costs”

5. Sri M.R. Saklani, Ld. Counsel for the petitioner also submitted that the Respondent Company has paid interest on delayed payment to the petitioner.

6. Since the very purpose of filing the execution application has been achieved, therefore, the same should be closed for full satisfaction.

7. Execution application is, accordingly, closed for full satisfaction.

(JUSTICE U.C.DHYANI)
CHAIRMAN