

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

EXECUTION PETITION NO. 15/SB/2025

*(Arising out of judgment dated 25.09.2024,
passed in Claim petition No. 62/SB/2024)*

Meena Shah, w/o Sri Harish Mohan, Ex. Chief Administrative Officer, aged
about 62 years, r/o Kalika Vihar, Bhawani Enclave, Kargi Grant, Dehradun.

.....Petitioner /applicant

VS.

1. The Secretary, Forest, Environment Protection and Climate Change, State of Uttarakhand, Subhash Road, Dehradun.
2. The Head of Forest Force (HoFF), Uttarakhand Government, Subhash Road, Uttarakhand, Dehradun.
3. The Director, Pension & Entitlement, government of Uttarakhand, 23 Laxmi Road, Dalanwala, Dehradun.
4. The Senior Treasury Officer, District Tehri Garhwal, New Tehri.
5. The Prabhagiya Vanadhihari, Terhi Dam, Van Prabhag (1st) New Tehri.

.....Respondents.

Present: Sri Uttam Singh, Advocate, for the petitioner.(online)
Sri V.P.Devrani, A.P.O., for Official Respondents.

JUDGMENT

DATED: JULY 09, 2025

Justice U.C.Dhyani (Oral)

Present execution petition has been filed by the
petitioner/applicant for securing compliance of order dated 25.09.2024

passed by the Tribunal in Claim Petition No. 62/SB/2024, Meena Shah vs. Secretary, Forest, Environment Protection and Climate Change, State of Uttarakhand and others.

2. The execution petition is supported by the affidavit of Smt. Meena Shah, petitioner-applicant.

3. The judgment, as above, was rendered by the Tribunal for directing the respondent department to refund a sum of Rs. 1,95,574/- , which was recovered from the petitioner under the guise of 'adjustment of excess payment' from her gratuity after retirement as expeditiously, as possible, without unreasonable delay, but she will not be entitled to interest on the same, being 'undeserved monetary benefit'.

4. It is the submission of Ld. Counsel for the petitioner/applicant that copies of the decision were served on the respondents, but they have not complied with the same. Almost ten months have elapsed since then.

5. Ld. Counsel for the petitioner/applicant submitted that coercive measures should be adopted against Respondents No. 2 and 5, their bank account should be seized and Rs.1,95,574/- be refunded to the petitioner.

6. Legally, the Tribunal could have done the same, but only after notice and seeking reply/ explanation from the respondent department. The Tribunal is not adopting such measures, following the principles of natural justice and as a matter of abundant caution.

7. Instead, the Tribunal thinks it proper to remind the respondents that a duty was cast upon them to do something, which has not been done, otherwise the petitioner/ applicant would not have filed present execution petition. Ld. counsel for the petitioner/applicant gives a statement before the Tribunal that the order has not been complied with. In reply, Ld. A.P.O. affirms the statement of Ld. Counsel for the petitioner and submits that respondent department is in the

process of availing legal remedy against the order of the Tribunal.

8. Be that as it may, the Tribunal, thinks it proper to pass the following order to dispose of the execution petition, at the admission stage, with the consent of Ld. Counsel for the parties:

Respondent department is directed to comply with the order of the Tribunal dated 25.09.2024, passed in Claim Petition No. 62SB/2024, Meena Shah vs. State of Uttarakhand and others, as expeditiously as possible and without unreasonable delay on presentation of certified copy of this order, failing which the petitioner/applicant would be at liberty to move the Tribunal for initiating appropriate action against the respondents, in accordance with law.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 09, 2025.
DEHRADUN

VM