

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

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

**EXECUTION PETITION NO. 18/SB/2025**  
( *Arising out of judgment dated 12.02.2025,  
passed in Claim petition No. 72/SB/2024*)

Prakash Chandra Tiwari, age 61 years, s/o Sri Jagannath Prasad Tiwari, Ex. Deputy Ranger, r/o Basant Vihar, Near Post Office Colony, 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 Chief Treasury Officer, District Chamoli, Gopeshwar.
5. The Prabhagiya Vanadhikari, Kedarnath Vanya Jeev Prabhag, Gopeshwar (Chamoli).

**..... Respondents**

Present: Sri Uttam Singh, Advocate, for the petitioner-applicant.  
Sri V.P.Devrani, A.P.O., for the respondents.

**JUDGMENT**

**DATED: SEPTEMBER 11, 2025**

Justice U.C.Dhyani (Oral)

By means of present execution petition, petitioner-applicant seeks to enforce order dated 12.02.2025, passed by this Tribunal in Claim Petition No. 72/SB/2024, Sri Prakash Chandra Tiwari vs. State of Uttarakhand & others.

2. The execution application is supported by the affidavit of Sri Prakash Chandra Tiwari, petitioner-applicant along with copy of the judgment passed by the Tribunal on 12.02.2025.

3. Relevant paragraphs of the decision rendered by this Tribunal on 12.02.2025, read as under :

“10. The parties are not in conflict on facts. Petitioner’s case is squarely covered by the aforesaid decision of Hon’ble Supreme Court. Petitioner is a ‘Group-C’ employee and recovery made from him would be iniquitous or harsh to such an extent that it would far outweigh the equitable balance of employer’s right to recover.

11. Reference may also be had to the decisions rendered by the Hon’ble Apex Court on 02.05.2022 in Civil Appeal No. 7115 of 2010, Thomas Daniel vs. State of Kerala & others, & in Civil Appeal No. 13407/ 2014 with Civil Appeal No. 13409 of 2015, B.Radhakrishnan vs. State of Tamil Nadu on 17.11.2015, decisions rendered by Hon’ble Uttarakhand High Court on 12.04.2018 in WPSS No. 1346 of 2016, Smt. Sara Vincent vs. State of Uttarakhand and others, in WPSS No. 1593 of 2021, Balam Singh Aswal vs. Managing Director and others and connected writ petitions on 14.06.2022 & in WPSS No. 363 of 2022 and connected petitions on 05.01.2024 and decision rendered by Hon’ble Madras High Court on 019.06.2019 in WP(MD) No. 23541/ 2015 and M.P. (MD) No. 1 of 2015, M. Janki vs. The District Treasury Officer and another, in this regard.

13. There is, however, no embargo on the respondent department against correct fixation of pay even after retirement, as per the decision rendered by Hon’ble High Court of Judicature at Allahabad on 17.12.2018 in Writ -A No. 26639/2018, Smt. Hasina Begum vs. Purvanchal Vidyut Vitran Nigam Ltd, Prayagraj and 02 others [Citation- 2018:AHC:204373]. Relevant paragraphs of the judgment read as below:

.....

14. Hon’ble Supreme Court, in the decision rendered in Civil Appeal No.1985 of 2022, the State of Maharashtra and another vs. Madhukar Antu Patil and another, on 21.03.2022, has observed as below:

.....”

15. The claim petition is decided in terms of the aforesaid decisions, with the consent of Ld. Counsel for the parties

16. Interference is called for in the impugned communications/orders dated 11.03.2024 (Annexure: A 1, colly) and order dated 14.05.2024 (Annexure: A2), in the peculiar facts of the case. The same are, accordingly, set aside/ modified, to the extent as are necessary. Respondents are directed to refund Rs.7,15,167/- to the petitioner, which have been recovered from his gratuity, without unreasonable delay.”

4. Ld. Counsel for the petitioner submitted that the petitioner supplied copy of the order dated 12.02.2025 to the respondent(s) on 12.03.2025 (Annexure: E- 1), but till date order dated 12.02.2025 has not been complied with by the authority concerned. He further submitted that the judgment of the Tribunal has attained finality as the same has not been challenged by the respondent department anywhere. 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 12.02.2025, passed in Claim Petition No. 72/SB/2024, Sri Prakash Chandra Tiwari vs. State of Uttarakhand and others, 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.

**(ARUN SINGH RAWAT)**  
VICE CHAIRMAN (A)

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

*DATE: SEPTEMBER 11, 2025.*  
*DEHRADUN*

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