

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

Present: Hon'ble Mr. Rajendra Singh

.....Vice Chairman (J)

Hon'ble Capt. Alok Shekhar Tiwari

.....Member (A)

EXECUTION APPLICATION NO. 17/DB/2025

(Arising out of judgment dated 06.03.2025 passed in)
Claim petition No. 67/NB/DB/2022)

Priyanka Singh aged about 38 years, w/o Sri Bhupendra Kumar Singh,
presently working as In-charge Chief Agriculture Officer, Almora.

.....Petitioner-executioner

Vs.

1. State of Uttarakhand through its Secretary, Ministry of Agriculture and Farmer Welfare, Uttarakhand Govt. State Secretariat, Dehradun, Uttarakhand.
2. Secretary, Personnel Department, Uttarakhand Govt., State Secretariat, Dehradun.
3. Director, Agriculture Department, Uttarakhand Govt. Dehradun.

.....Respondents

Present: Sri S.C.Virman (online) &
Sri S.K. Jain, Advocates for the petitioner-executioner
Sri V.P.Derani, A.P.O. for respondents

JUDGMENT

DATED: OCTOBER 27, 2025

Since the factual matrix of the claim petition No. 67/NB/DB/2022, Priyanka Singh and another vs. State of Uttarakhand & others and Claim petition no. 91/DB/2022, Deepak Purohit vs. State of Uttarakhand and others were same, therefore, both the claim petitions were decided together, by a common judgment dated 06.03.2025, with the following observations:

“23. As per the directions given by the Hon’ble High Court of Uttarakhand at Nainital in Writ Petition No. 60 (S/B) of 2021 and Writ Petition No. 93 (S/B) of 2021 on 01.08.2022, the Tribunal is expected to decide the matter as a Claim Petition. Therefore, the exact prayers in these claim petitions cannot be allowed, in toto. Rather this Bench would limit itself within the scope of powers as given to this Tribunal, as follows:-

- (A) The promotional exercise as existed on 31.12.2020 shall be completed in accordance with the then existing rules of promotion. All the steps taken by the Administrative Department of Agriculture subsequently in the wake of Officers’ Association representation dated 31.12.2020 shall be null and void,*
- (B) Needless it is to mention here that the new rules of promotion, i.e., the single window system, as promulgated by the Government would continue to serve the future promotions, excluding the instant promotional exercise to fill in the vacant 07 post of Deputy Director/Chief Agriculture Officer, branchwise as proposed by the Director, Agriculture on 21.11.2020.*

ORDER

Accordingly, the Claim Petition No. 67/NB/DB/2022 Priyanka Singh & another Vs. State & others and the Claim Petition No. 91/DB/2022 Deepak Purohit Vs. State & others are hereby partly allowed to the extent that the final result of promotional exercise in accordance with the then existing rules on and before 31.12.2020 shall be produced before the Hon’ble High Court of Uttarakhand at Nainital as directed. So far as the new rules are concerned, they will remain in force for the future promotions, excluding the promotions under the ambit of this instant case. No orders as to costs.”

2. Thereafter, review petitions filed by the private respondents against the above judgment were also dismissed vide common judgment dated 13.06.2025. When the judgment and order dated 06.03.2025 passed by this Tribunal was not complied with by the respondent authorities, the present execution application has been filed by the petitioner-executioner (Priyanka Singh, petitioner No. 1 in Claim petition No. 67/NB/DB/2022,) to execute the Tribunal’s judgment, wherein the relief sought is as follows:-

“Prayer: The Hon’ble Tribunal has pronounced the judgment on 06.03.2025 directing the opposite parties, allowing the Claim Petition No. 67/NB/DB/2022, Priyanka Singh versus State of Uttarakhand and others and Claim Petition No. 91/DB/2022, Deepak Purohit versus State of Uttarakhand that the final result of promotional exercise in accordance with the then existing rules on and before 31.12.2020 shall be produced before the Hon’ble High Court of Uttarakhand at Nainital as directed and so far as the new rules are concerned, they will remain in force for the future promotions, excluding the promotions under the ambit of this instant case. The present judgment has not been complied with by the judgment debtors. So the same may kindly be implemented.”

3. The present execution petition was admitted vide order dated 29.08.2025 and accordingly respondents were given time to file reply/response and next date was fixed on 17.09.2025. On 17.09.2025, on the request of learned A.P.O., 15 days further time, as last opportunity, was granted to the respondents to file compliance affidavit and next date was fixed on 06.10.2025.

4. On 06.10.2025, further time was sought on behalf of the respondents, which was strongly opposed on behalf of the petitioner-executioner. The relevant portion of the order dated 06.10.2025 is as under:

“Perusal of the order sheet reveals that on the last date i.e. 17.09.2025, on the request of learned A.P.O., the respondents were granted 15 days more time, as last opportunity, to file compliance affidavit. But still the order of the Tribunal has not been complied with.

In these circumstances, the respondents are granted three weeks’ more time to comply with the judgment and order dated 06.03.2025 passed by the Tribunal by the next date fixed positively. In case, the order of the Tribunal is not complied with by the next date fixed, the petitioner-executioner would be at

liberty to file contempt petition for non-compliance of the Tribunal's order.

List on 27.10.2025 for filing compliance affidavit/further orders.”

5. Today, instead of filing the compliance affidavit of the respondents, learned A.P.O. has produced a letter No. 339221/-35444/XIII-I/2025 dated 17.10.2025 before the Tribunal, issued by Joint Secretary, Agriculture and Farmer Welfare Department, Govt. of Uttarakhand, which is addressed to learned A.P.O. advising him to pray before the Tribunal to keep the proceedings of this Execution Petition on a perpetual stay till the time the concerned Writ Petition No. 418/2025 dated 23.09.2025, filed by the respondents Smt. Latika Singh and Sri Vijay Deorari, before the Hon'ble High Court of Uttarakhand at Nainital, is finally decided, wherein, the State Government too intends to submit its legal position.

6. At the outset itself the Tribunal observed that the Government's letter in question sent to the learned A.P.O. has not been submitted alongwith an appropriate application and affidavit to that effect, which would have been appropriate procedurally, if this Tribunal was to take cognizance of the aforesaid letter No. 339221/-35444/XIII-I/2025 dated 17.10.2025. The learned A.P.O. on his own part in fact expressed surprise at the Government's request for keeping the proceedings of this instant Execution Petition in abeyance. The Ld. A.P.O. also apprised the Tribunal that he had advised the Government official on the last date of hearing that the concerned Government Department must comply with the judgment dated 06.03.2025 at least by promoting the executioners-petitioners on the super numeric strength to the cadre in question.

7. The learned Counsel for the petitioners-executioner argued emphatically that this letter under question sent to the learned A.P.O. by the Government amounts to a gesture of callousness and contempt towards this Tribunal's judgment in question as the impugned Writ Petition No. 418 of 2025 filed by the respondents Smt. Latika Singh

and Sri Vijay Deorari on 23.09.2025 is a private writ petition, and the Government or the respondent department are not the petitioners in this writ petition. Therefore, this is only a delay tactics on the part of the respondent-department and, therefore, this execution petition must be allowed today itself.

8. Although, the learned A.P.O. has not been able to pray or vouch for the contents of this aforesaid Government letter No. 339221/-35444/XIII-I/2025 dated 17.10.2025 as per the stipulated procedure, and thereby, in the want of an appropriate Stay Application by the respondents, the Tribunal cannot take cognizance of this letter *suo-moto*, yet there are definite observations of this Tribunal about the lack lustre attitude of the respondent department regarding this instant Execution Petition as follows:-

- (i) Firstly, this Government Order No. 339221/-35444/XIII-I/2025 dated 17.10.2025 signed and sent by Joint Secretary (Agriculture and Farmer Welfare Department), Government of Uttarakhand addressed to the learned A.P.O. has been prepared insincerely, is poorly drafted, and appears contemptuous towards this Tribunal's judgment dated 06.03.2025 passed in the Claim Petitions No. 67/NB/DB/2022 Priyanka Singh versus State of Uttarakhand and others and 91/DB/2022 Deepak Purohit versus State of Uttarakhand and others.
- (ii) Secondly, it is quite incomprehensible to the Tribunal as to whether the aforesaid letter under question is an application of stay, or a letter of information to the Ld. A.P.O., or a Government Order regarding the instant matter as appears to be the case on reading the last paragraph of the letter under question. The Ld. A.P.O. too failed to explain this before the Tribunal.
- (iii). Further , it appears to the Tribunal that the factual points and pleadings put up in this letter which were expected to be produced by the Ld. A.P.O. before the Tribunal have never been pleaded earlier, and seem to have been put up afresh only as an afterthought. So much so that the sender of the letter has not

even bothered to observe that the limitation of the period for filing a review before the Tribunal against the impugned judgment was only 30 days from the date 06.03.2025; thus this is an attempt to mislead the Tribunal.

(iv). And finally, so far as the Government's prayer to keep the proceedings of this Execution Petition on stay is concerned, it is worth observing that there is no interim order to that effect by the Hon'ble High Court in the Writ Petition No. 418 of 2025. Therefore, this Tribunal is baffled as to under what provision the Government seeks this Tribunal to keep the proceedings in abeyance.

9. In fact, as the learned A.P.O. rightly submitted, it would have been prudent on the part of the respondent department to comply with this Tribunal's judgment dated 06.03.2025 by promoting the petitioners concerned at least on a super numeric strength subject to the final judicial outcome in the matter. Ironically, the respondent department has preferred otherwise, amounting to non-compliance of the impugned judicial order issued by this Tribunal.

Therefore, without granting any further liberty to the respondent department and the Government this Execution Petition is, hereby, allowed and the Tribunal makes it binding upon the respondent department and the Government to comply with immediate effect the Tribunal's judgment dated 06.03.2025. In case, the order of the Tribunal is not complied with in 30 days, the petitioner-executioner would be at liberty to file contempt petition for non-compliance of the Tribunal's order.

CAPT. ALOK SHEKHAR TIWARI
MEMBER (A)

RAJENDRA SINGH
VICE CHAIRMAN (J)

DATED: OCTOBER 27, 2025
KNP/BK