

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

EXECUTION APPLICATION NO. 06/DB/2026

(Arising out of judgment dated 08.09.2021, passed in Claim petition No. 22/DB/2020, judgment dated 21.02.2021 passed in Execution Petition No. 06/NB/DB/2022 & judgment dated 07.11.2022 passed in Execution Petition No. 19/DB/2022)

Arun Kumar Goel aged about 63 years plus, s/o Sri Pooran Mal Goel, r/o Mahadev Vihar, General Mahadev Singh Road, Dehradun. Retired as Superintending Engineer from the office of Engineer-in-chief, P.W.D., Dehradun.

.....**Petitioner/applicant**

vs.

1. State of Uttarakhand through Secretary, Public Works Department, Govt. of Uttarakhand, Secretariat, Dehradun.
2. State of Uttar Pradesh through Principal Secretary, P.W.D., Lucknow.
3. Engineer-in-Chief and Head of the Department, Public Works Department, Uttarakhand, Dehradun.

.....**Respondents.**

Present: Sri Arun Kumar Goel, petitioner/ applicant.

Sri V.P.Devrani, A.P.O., for Respondents.

JUDGMENT

DATED: MARCH 10, 2026

Sri Arun Singh Rawat, Vice Chairman (A)

Present execution petition has been filed by the petitioner/ applicant, for directing the respondent department to comply with the order dated 08.09.2021, passed by this Tribunal in Claim Petition No. 22/DB/2020, Arun Kumar Goel vs. State of Uttarakhand and others.

2. Relevant paragraphs of the judgment dated 08.09.2021 read as under:

“ By means of the present claim petition, the petitioner seeks the following reliefs:

(i) To issue an order or direction to the respondent no. 1 to place the petitioner in the seniority list of Assistant Engineers of the department as per promotion order dated 10.06.2009 and order dated 20.11.2009 of the State of Uttar Pradesh and ensure the compliance of this Hon'ble Tribunal's judgment dated 16.07.2003 passed in Claim Petition No. 01/2001 and judgment dated 17.11.2011 passed in Claim Petition No. 47/2011 or in alternate to issue an order or direction to the respondent no. 01 to ensure the determination of the seniority of the petitioner in the cadre of Assistant Engineers on the basis of his promotion since 1990 from the State of Uttar Pradesh and until the determination of the seniority by the State of Uttar Pradesh, to grant the promotion and service benefits provisionally to the petitioner on the basis of his promotion since 1990, if the same are given to the Assistant Engineers of the year 1990 or subsequent years i.e. in selection year 1990-91 or 1991-92.

(ii) To declare that the petitioner is eligible and entitled for consideration for promotion on the post of Chief Engineer Level-2 and accordingly issue an order or direction to the respondents to convene a review DPC and consider the petitioner on the post of Chief Engineer Level-2 considering his annual character rolls and service records in accordance to the Uttaranchal Government Servant (Disposal of Representation against Adverse Annual Confidential Reports and Allied Matters) Rules 2002 and Uttarakhand Government Servant (Disposal of Representation against Adverse, Bad, Satisfactory, Good, Very good and Outstanding Annual Confidential Reports and Allied Matters) Rules 2015 with all consequential benefits on the post of Chief Engineer Level-2 w.e.f. 25.04.2020.

(iii) To take the action against the respondents and other persons who have made exploitation and gross injustice against the petitioner.

(iv) To pass any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case in favour of the petitioner.

(v) To allow this petition with cost as quantified Rs.51,000/-.”

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7. Learned Counsel for the petitioner now requests that a direction should be issued to the Uttarakhand Govt. to get the seniority of the petitioner determined by the Govt. of U.P. at the earliest, based on their order of 2009 promoting the petitioner in the vacancy of the selection year 1990-91 and place him at an appropriate position in the seniority list of Assistant Engineers working in the erstwhile State of U.P. Learned A.P.O. is not averse to this proposition in view of the orders of Hon'ble Courts.

8. We feel that this is the only way to bring the matter to a logical conclusion.

9. In view of above, we direct the respondents to get the seniority of the petitioner determined as above from the Govt. of U.P. and get the amended seniority list of the Assistant Engineers working in the State of U.P. at that time, within a period of three months from the date of presentation of certified copy of this order before them.

10. Pursuant to fixation of seniority of the petitioner and revision of the seniority list by the U.P. Govt., the respondents may also revise their seniority list accordingly and take further action about the promotion of the petitioner.”

3. It is the submission of the petitioner/applicant that copy of judgment dated 08.09.2021 (Annexure: A-1) was supplied by the petitioner to respondents followed by reminder dated 21.02.2022 (Annexure: A-2), but till date judgment dated 27.03.2025 has not been complied with by the authority concerned.

4. Against the order of the Tribunal dated 08.09.2021, respondents had filed WPSB No. 199/2022 before the Hon'ble High Court. The Hon'ble Court was pleased to dismiss the writ petition of the respondents with the following observation:

“6. In the aforesaid light, there is no reason for us to interfere with the directions issued by the Uttarakhand Public Services Tribunal in the impugned judgment dated 08.09.2021 passed in Claim Petition No.22/DB/2020, which only directs the petitioners, before us, to get the respondent's seniority determined from the Government of Uttar Pradesh in the cadre of Assistant Engineers.

7. We, accordingly, find no merit in the writ petition and dismiss the same.”

5. Petitioner again filed Execution Application No. 19/DB/2022 before this Tribunal for compliance of judgment dated 08.09.2021.

6. Respondent department, in compliance of Tribunal's order dated 08.09.2021 and subsequent orders passed in execution applications, had made correspondence with the State of Uttar Pradesh, although the State of Uttar Pradesh was not party respondent to the aforesaid claim petition and execution applications.

7. Since correspondence in this matter has already been undertaken by the Government of Uttarakhand with Govt. of Uttar Pradesh, and as the State of Uttar Pradesh was not arrayed as party respondent in Claim Petition No.22/DB/2020, Execution application No.06/NB/DB/2022 and Execution Application No. 19/DB/2022, the present execution petition does not lie before this Tribunal as this case is non-executable.

8. The execution petition is dismissed, as not maintainable, at the admission stage.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: MARCH 10, 2026.
DEHRADUN

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