

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

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

EXECUTION PETITION NO. 21/DB/2025

*(Arising out of judgment dated 30.01.2025,
passed in Claim petition No. 29/SB/2024)*

Padmendra Singh Bartwal, aged about 61 years, s/o Late Sri Bahadur Singh Bartwal, Retd. Assistant Engineer, P.W.D., Uttarakhand, r/o House No. 87 Shanti Villa, Shatabdi Enclave, Ring Road, Lower Nathanpur, P.O. Nehrugram, Dehradun

.....Petitioner/applicant

vs.

1. State of Uttarakhand through Secretary, Public Works Department, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Engineer-in-Chief and Head of the Department, Public Works Department, Uttarakhand, Yamuna Colony, Dehradun.
3. Chief Engineer, Office of Chief Engineer, Zonal Office, Public Works Department, Uttarakhand, Yamuna Colony, Dehradun.

..... Respondents

Present: Sri L.K.Maithani, Advocate, for the petitioner-applicant.

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

JUDGMENT

DATED: AUGUST 05, 2026

By means of present execution petition, petitioner-applicant seeks to enforce judgment/order dated 30.01.2025, passed in Claim petition No.

29/SB/2024 Padmendra Singh Barthwal vs. State of Uttarakhand and others.

Relevant paragraphs of the decision dated 30.01.2025 read as under:

“27. Respondents are, accordingly, directed to pay to the petitioner:

(i) Interest on the amount of gratuity (Rs.9,66,173/-) from 01.09.2023 till the date of actual payment;

(ii). If G.I.S. has not been paid as yet, the petitioner is entitled to interest on the amount of G.I.S. from 01.09.2023 till the date of actual payment.

The rate of interest shall be the simple rate of interest payable on General Provident Fund during the relevant period.

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31. Hence the petitioner, in the instant case, is not entitled to interest for the period which was taken by the Respondent department in refunding petitioner's recovered dues as per the direction of the Court/ Tribunal.

32. In such a situation, Ld. counsel for the petitioner submitted that present petition may be decided in terms of the aforesaid decisions (cited above), which is fairly agreed to by Ld. A.P.O., in the interest of justice.

33. Claim petition is disposed of with the above observations and in terms of the decisions rendered by Hon'ble Apex Court in State of Punjab vs. Rafiq Masih, (2015) 4 SCC 334; in Civil Appeal No.1985 of 2022, the State of Maharashtra and another vs. Madhukar Antu Patil and another on 21.03.2022; 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; and catena of other decisions rendered by Hon'ble High Court of Uttarakhand in recent past.”

2. In present execution petition, on 06.11.2025 the Tribunal issued notice to respondent no. 1, to explain why order of the Tribunal dated 30.01.2025 has not been complied with so far.

3. Further, on 14.01.2026, Ld. A.P.O., on seeking instructions from the respondent department, submitted before the Tribunal that Engineer-in-Chief, PWD, wrote a letter to the Secretary, PWD, Government of Uttarakhand for permission to comply with the order of the Tribunal. According to Ld. A.P.O., Legal Advisor to the respondent department submitted grounds of appeal to the Government, for appeal. The Govt. in PWD, has sought permission of the Law Department in the Govt. for filing appeal, which is pending before the Law Department.

4. On 14.01.2026 the Tribunal observed that, no satisfactory reply has been given by the respondent department to the notice issued to Respondent No.1 on 06.11.2025 for explaining compliance of Tribunal's judgment & order dated 30.01.2025.

5. The Tribunal issued another show cause notice on 14.01.2026 to Respondent No.1, as under:

“why coercive measures [which may include attachment of the account of the respondent department to the extent of interest on the amount of Gratuity (Rs.9,66,173/-) from 01.09.2023, till the date of actual payment and if the GIS has not been paid as yet, interest on the amount of GIS too, till the date of actual payment] be not taken against them for securing compliance of the order of the Tribunal dated 30.01.2025.”

6. The execution petition was listed for 25.02.2026 for filing reply by the respondents. Since then respondents are seeking time for filing compliance affidavit, but no compliance affidavit has been filed so far. It has been submitted on behalf of respondents that Writ Appeal has been preferred before the Hon'ble High Court, but respondents have failed to submit before the Tribunal the number of the writ appeal filed by them or any stay order obtained in favour of them.

7. Considering the above circumstances, the Tribunal is of the view that respondents cannot be afforded any further opportunity to file compliance/ reply in the execution petition.

8. Accordingly, the execution petition is closed with liberty to the petitioner to file contempt petition against the respondent/ contemnor for non-compliance of Tribunals' judgment/ order dated 30.01.2025

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(RAJENDRA SINGH)
ACTING CHAIRMAN

DATE: AUGUST 05, 2026.
DEHRADUN

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