

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

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

----- Chairman

Hon'ble Mr. A.S. Rawat

----- Vice Chairman (A)

EXECUTION APPLICATION NO. 27/SB/2025

*(Arising out of judgment dated 14.05.2025,
passed in Claim Petition No. 153/SB/2024)*

Om Kailash Tyagi, S/o Sri Chohal Singh, aged about 62 years, Ex-Statistical Officer, 5 New Defence Enclave, Sahastradhara Road, Near Amazon Institute, Dehradun.

.....Petitioner-Executioner

versus

1. State of Uttarakhand through the Secretary, Forest, Environment and Climate Change, Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. The Head of Forest Force (HoFF), Uttarakhand Government, 85 Rajpur Road, Uttarakhand, Dehradun.
3. The Principal Conservator of Forest & Environment, 85, Rajpur Road, Uttarakhand, Dehradun.
4. The Director of Pension & Entitlement, 23, Laxmi Road, Uttarakhand.
5. The Senior Treasury Officer, District Dehradun, Uttarakhand.

..... Respondents

Present: Sri Uttam Singh, Advocate, for the Petitioner-Executioner
Sri V.P. Devrani, A.P.O., for the Respondents

JUDGEMENT

Dated: 23rd December, 2025

Justice U.C. Dhyani (Oral)

Petitioner, by way of present execution application, seeks to secure the compliance of order dated 14.05.2025, passed by the Tribunal in claim petition no. 153/SB/2024, Om Kailash Tyagi vs. State of Uttarakhand and others.

2. The execution application is supported by the affidavit of Sri Om Kailash Tyagi, petitioner-executioner.

3. It is the submission of Sri Uttam Singh, learned Counsel for the petitioner-executioner that the order dated 14.05.2025 has not been complied with by the respondent department so far.

4. Operative portion of the order dated 14.05.2025 rendered by this Tribunal in claim petition no. 153/SB/2024, is reproduced herein below, for convenience:

“

17. Petitioner is entitled to refund of Rs.13,63,630/- (but without interest). Respondent department is directed to refund the same to the petitioner, as expeditiously as possible and without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order. Letter/order dated 03.09.2024 (Annexure: A-2), whereby a sum of Rs.13,63,630/- was recovered from the petitioner, who retired as a Group 'C' employee on 30.09.2023, is hereby set aside.

Respondent department is also directed to hear the petitioner in person, before refixing his pay scale, which is permissible in view of decision rendered by the Hon'ble Supreme Court, in Civil Appeal No.1985 of 2022, the State of Maharashtra and another vs. Madhukar Antu Patil and another, and the decision rendered by Hon'ble High Court of Judicature at Allahabad in Writ -A No. 26639/2018, Smt. Hasina Begum vs. Purvanchal Vidyut Vitran Nigam Ltd, Prayagraj and 02 others. Order dated 01.03.2024 (Annexure: A-1) shall abide by the same.

.....”

5. The Tribunal deems it appropriate to remind the concerned authority(ies) to comply with the aforesaid order, which, according to learned Counsel for the petitioner, has not been complied with. The Tribunal, therefore, serves a reminder upon the respondent department that a duty was cast upon them to do something, which has not been done. The same should be done now, at the earliest possible, without unreasonable delay.

6. If order dated 14.05.2025 is not complied with by the respondent department within a reasonable time, it will be open for the petitioner to seek appropriate remedy before the appropriate forum against the erring officials, as per law

7. The execution application is disposed of, at the admission stage, with the consent of learned Counsel for the parties, with a direction to the respondent department to ensure compliance of order dated 14.05.2025, passed in claim petition no. 153/SB/2024, Om Kailash Tyagi vs. State of Uttarakhand and others, without further delay.

(A.S. RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C. DHYANI)
CHAIRMAN

DATE: 23rd December, 2025
DEHRADUN
RS