

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

EXECUTION APPLICATION NO. 09/SB/2025

*(Arising out of judgment dated 25.10.2024,
passed in Claim Petition No. 31/DB/2023)*

Dr. Sanjeev Dutt, s/o late Sri Suresh Dutt, aged about 63 years, r/o
20-Adarsh Nagar, Ballupur Road, Dehradun, Uttarakhand.

.....Petitioner-Executioner

versus

1. State of Uttarakhand through Principal Secretary, Medical &
Health, Govt. of Uttarakhand, Secretariat, Subhash Road,
Dehradun.
2. Director General, Medical, Health and Family Welfare,
Uttarakhand, Dehradun.

..... Respondents

Present: Sri L.K. Maithani, Advocate, for the Petitioner-Executioner
Sri V.P. Devrani, A.P.O., for the Respondents

JUDGEMENT

Dated: 01st May, 2025

Justice U.C. Dhyani (Oral)

Present execution application has been filed by the
petitioner for securing the compliance of Tribunal's order dated
25.10.2024, passed in claim petition no. 31/DB/2023, Dr. Sanjeev
Dutt vs. State of Uttarakhand and another. Relevant paragraphs of
the said judgement read as under:

“

6. Learned A.P.O. drew the attention of the Bench towards paras
16 to 23 of the C.A., which has been filed by Dr. Ajeet Mohan

Johari, Joint Director. Medical Health & Family Welfare, Uttarakhand, Dehradun, on behalf of the respondents, to submit that before 30.01.2014, Uttarakhand Medical and Health Service Rules, 2009, were in force, in which the criteria for promotion on the post of Joint Director, grade pay Rs. 7600/- was only seniority subject to rejection of unfit. These rules were amended in the year 2014 w.e.f. 30.01.2014, in which the criteria for promotion on the post of Joint Director is merit-cum-seniority. Petitioner had one adverse entry and four downgraded entries, therefore, he was not found fit for promotion. The adverse entry was subsequently expunged by the order of Tribunal, which (order) was affirmed by the Hon'ble High Court.

7. In other words, when DPC was convened on 12.09.2014, (at that point of time) petitioner had one adverse entry and four downgraded entries, therefore, he was not considered fit for promotion on the basis of merit. Subsequently, adverse entry was expunged under the orders of the Court.

8. When new rules came into force, the grade pay of Joint Director was upgrade to Rs. 8700/-, in which the criteria for promotion was merit-cum-seniority, in which too, the petitioner was not found fit for promotion on the basis of grading of marks. Since Dr. Shambhu Kumar Jha, who was junior to the petitioner, obtained highest marks, therefore, he was promoted.

9. When second DPC was convened in the year 2020, entries between 2014-19 were seen, in which the petitioner was found suitable for promotion on the basis of merit, therefore, he was given promotion *vide* order dated 24.09.2020 on the post of Joint Director grade pay Rs. 8700/-.

10. Once the adverse entry of the year 2011-12 was expunged by the Tribunal, as affirmed by the Hon'ble High Court, the performance of the petitioner from the back date ought to have been seen by the DPC, which has not been done in the instant case. Hence, it is a case of review DPC.

11. Since the adverse entry, which was given to the petitioner for the year 2011-12 was expunged under the orders of the Court, which (entry) relates back to the performance of the petitioner in the past, therefore, his performance ought to have been seen by the DPC, which has not been done in the instant case. The Tribunal should, therefore, direct that a review DPC be convened to assess and evaluate the performance of the petitioner on the basis of the fact that his adverse entry of the year 2011-12 was expunged under the orders of the Court.

12. The claim petition is, accordingly, disposed of by directing the respondent department to convene review DPC of the DPC dated 12.09.2014 and if the petitioner is found suitable, he should be given promotion, as per rules. No order as to costs."

2. The execution application is supported by the affidavit of Dr. Sanjeev Dutt, petitioner-executioner. Relevant documents have been filed in support of execution application.

3. It is the submission of Sri L.K. Maithani, learned Counsel for the petitioner that despite lapse of more than six months, respondent authorities have not done anything in compliance of Tribunal's order dated 25.10.2024. Sri L.K. Maithani further submitted that casual approach on the part of respondent authorities should not be tolerated and they should be directed to appear in the Court to show cause why contempt proceedings be not initiated against them.

4. Considering the facts of the case and after hearing learned Counsel for the parties, the Tribunal deems it appropriate to pass the following order.

5. The execution application is disposed of, at the admission stage, by directing the authorities concerned to ensure compliance of Tribunal's order dated 25.10.2024 and file compliance affidavit within four weeks of presentation of certified copy of this order along with documents in support thereof, failing which they may be liable to face action for non-compliance of Tribunal's order under the relevant law governing the field.

(JUSTICE U.C. DHYANI)
CHAIRMAN

DATE: 01st May, 2025
DEHRADUN
RS