

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
BENCH AT NAINITAL**

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CONTEMPT PETITION NO. 02/NB/DB/2023**

[Arising out of judgment dated 20.06.2023,  
passed in Claim petition No. No. 48/NB/DB/2023]

Yogesh Upadhyaya aged about 53 years, S/o Sri Jagdish Chandra Upadhyaya,  
R/o House No. 53, Ward No. 56, Village and Post Office Maanpur West,  
Haldwani, District Nainital.

.....**Petitioner**

Vs.

Dr. D.K.Chakrapani, presently posted as Principal, Regional Medical and Health  
Training Centre Motinagar, Haldwani, Nainital

..... **Respondent/Contemnor**

Present: Sri Harish Adhikari, Advocate, for the Petitioner  
Sri Kishore Kumar, A.P.O. in assistance of the Tribunal

**JUDGEMENT**

**DATED: JULY 19, 2023**

**Justice U.C. Dhyani (Oral)**

Present contempt petition has been filed by the petitioner against the  
respondent (alleged contemnor), for the following prayer:

*"It is, therefore, prayed that in view of the aforesaid facts and  
circumstances, the appropriate proceedings under contempt of  
court will be drawn against the respondent by awarding  
appropriate punishment to him and further to direct the  
respondent to comply the order and judgment dated 20.06.2023  
passed by this Hon'ble Tribunal and pay the interest at the rate  
18%, otherwise the Applicant/petitioner will suffer irreparable loss  
and injury."*

2. Rule 50 of the U.P. Public Services (Tribunal) (Procedure) Rules, 1992  
reads as below:

*“50. Initiation of proceedings.-(1) Any petition, information or motion for action being taken under the Contempt shall, in the first instance, be placed before the Chairman.*

*(2) The Chairman or the Vice-Chairman or such other Members as may be designated by him of this purpose, shall determine the expediency or propriety of taking action under the Contempt Act.”*

3. The claim petition was decided by the Bench comprising of Hon’ble Vice Chairman (J) and Hon’ble Vice Chairman (A). Para 7 of the judgment and order dated 20.06.2023, passed in claim petition no. 48/NB/DB/2023, reads as under:

*“7. The Tribunal observes that for the misconduct of the petitioner, the respondents are free to take departmental action against him. It is not the case of any party that the petitioner has not worked at place of attachment in the period from 01.07.2022 to 14.09.2022. Therefore, he is entitled to be paid the salary for this period. The Tribunal hereby directs the respondent No. 4 shall draw the salary of the petitioner for the period from 01.07.2022 to 14.09.2022 and ensure the payment of the same to the petitioner within two weeks of this order, failing which, the respondent No. 4 shall be liable to pay interest at the rate of 6% p. a. for further period of delay.”*

4. It is the submission of learned Counsel for the petitioner that the aforesaid order has not been complied with therefore, the respondent is liable to face suitable action under the Contempt of Courts Act, 1971.

5. One of the objects of contempt jurisdiction is to uphold the majesty of law and dignity of courts, and to ensure compliance of the orders of the Court. This Tribunal has, on a number of occasions, observed that the contempt petition should be filed as a last resort. Normal course available to the petitioner, is to file execution application before the Tribunal. Considering the peculiar facts of the case, the Tribunal does not think it expedient or proper to take action under the Contempt of Court Act. The contempt petition is, therefore, converted into execution application.

6. The Tribunal reiterates its order dated 20.06.2023 and directs the respondent to comply with the said order, passed by this Tribunal in Claim

Petition No. 48/NB/DB/2023, Yogesh Upadhyaya vs. State of Uttarakhand & others, without further loss of time, failing which the respondent may be liable to face appropriate action under the relevant law governing the field.

7. Petitioner is directed to place a copy of this order before the authority concerned, to remind that a duty is cast upon him to do something, which has not been done.

8. Contempt/Execution application is, accordingly, disposed of at the admission stage.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)  
[Virtually]

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN  
[Virtually]

*DATE: JULY 19, 2023*  
*DEHRADUN*