

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

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CONTEMPT PETITION NO. C-06 /DB/2023**

*(Arising out of, Claim petition No. 31/DB/2022, decided  
on 02.03.2022 and Execution Petition No. 25/DB/2022  
decided on 21.11.2022)*

Sandeep Kumar Chauhan, aged about 41 years, s/o Shri Satya Pal Singh Chauhan, r/o 98 Orangabad Post Office, Orangabad, District Haridwar (Retired Police Constable) C.P. 133 from Police Line, Gopeshwar, District Chamoli.

**.....Petitioner-applicant**

**vs.**

1. Dr. S.S. Sandhu, Principal Secretary, Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Sri Ashok Kuar, Director General of Police, Uttarakhand Police, Dehradun.
3. Ms. Shweta Chaubey, Superintendent of Police, Chamoli.
4. Sri S.S. Bisht, Director, Treasury, Chamoli.
5. Sri Romil Chaudhary, Director, Treasury, Dehradun.

**.....Respondents**

Present: Sri Abhishek Chamoli, Advocate for the petitioner.  
Sri V.P.Devrani, A.P.O., A.P.O., for the Respondent State. (online)

**JUDGMENT**

**DATED: AUGUST 24, 2023.**

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

Present contempt petition has been filed by the petitioner-applicant for taking suitable action against the Opposite Parties-alleged Contemners, under the Contempt of Courts Act, 1971, for willful and deliberate disobedience of judgment and order dated 02.03.2022 passed by this Tribunal in Claim Petition No. 31/DB/2022, Sandeep Kumar Chauhan vs. State and others and to direct the O.Ps. to release interest on delayed payment of gratuity till the date of actual payment.

2. Considering the peculiar facts of the case, as mentioned in the contempt petition, read with the earlier judgment, between the parties, the Tribunal, in view of Rule 50(2) of the U.P. Public Services (Tribunal(Procedure) Rules, 1992, does not think it expedient and proper to initiate action against the respondents under the provisions of the Contempt of Courts Act, 1971. The contempt petition is, accordingly, converted into Execution Application.

3. The petitioner had initially filed Claim Petition No. 31/DB/2022, Sandeep Kumar Chauhan vs. State of Uttarakhand and others, which was decided by the Tribunal on 02.03.2022. Directions given therein are extracted herein below for convenience:

“.....

6. It is, therefore, held that the petitioner is entitled to gratuity consequent upon acceptance of petitioner's resignation.

7. This Tribunal, relying upon the Govt. Order dated 10.08.2004 and hosts of other decisions, is of the view that petitioner should be paid interest on delayed payment of gratuity, admissible to him, after three months of acceptance of his resignation till the date of actual payment.

8. The respondents are, therefore, directed to release gratuity in favour of the petitioner along with interest, which shall be simple rate of interest payable on General Provident Fund, after three months of the acceptance of his resignation till the date of actual payment.

.....

11. Petitioner's application for VRS was not accepted because he had not completed 20 years of service and was below 45 years of age. The petitioner, therefore, moved resignation letter, which was accepted. Reference of Fundamental Rule 56(C), Financial Hand Book, Vol. II, Part 2 to 4 has been given in order dated 02.07.2020 of S. P., Chamoli (Copy: Annexure- A 5). In various rulings, which have been mentioned in the compilation of G.Os.

(Copy: Annexure- A 6), the contents of Annexure: A-5 have been reiterated. In other words, Annexure: A-6 echoes the same law which has been highlighted by S.P., Chamoli, in its order dated 02.07.2020 (Copy: Annexure-A 5). On the contrary, Ld. Counsel for the petitioner could not place any law to show that the petitioner, not having served the respondent department for 20 years and not having attained the age of 45 years, was entitled to pension. 12. In view of the above discussion, the petitioner is not entitled to pension.”

4. State of Uttarakhand and others (respondents of claim petition no. 31/DB/2022) filed writ petition being WPSB No. 589/2022 in the Hon’ble High Court of Uttarakhand. WPSB No. 589/2022 State of Uttarakhand and others vs. Sandeep Kumar Chauhan was decided by the Hon’ble High Court on 17.10.2022. Writ petition filed by the State was dismissed. The Hon’ble High Court has quoted Paras No.5,6,7,8, of Tribunal’s judgment dated 02.03.2022, in Their Lordships’ judgment.

5. When order of the Tribunal was not complied with, petitioner filed Execution Petition No. 25/DB/2022. The execution petition was disposed of *vide* order dated 21.11.2022. Relevant paragraphs are quoted herein below for convenience:

“3. Present execution application has been filed by the petitioner-executioner for ensuring compliance of order dated 02.03.2022 passed by this Tribunal in Claim Petition No.31/DB/2022, as affirmed by Hon’ble High High Court *vide* order dated 17.10.2022.

4. Ld. A.P.O., sought verbal instructions from the office of Respondent No.3. After seeking instructions from the Respondent Department, Ld. A.P.O. has stated that the admissible gratuity has been sanctioned by S.P. Chamoli (Respondent No.3) and letter has been sent to PHQ for sanction of budget and release of the gratuity, within a month.

5. The Tribunal records the aforesaid statement of Ld. A.P.O. and closes the execution application with the consent of Ld. Counsel for the parties.

6. Liberty is granted to the petitioner to make a mention, if the admissible gratuity is not released in favour of the petitioner, within reasonable time.”

6. When the gratuity was not paid even after the orders passed in execution petition, the petitioner filed Miscellaneous Application No. 01/DB/2023. Para 02 of the order passed on 17.03.2023 in Misc. App. No. 01/DB/2023 is reproduced herein below for convenience:

“Ld. A.P.O., on seeking instructions from the respondent-department, submitted that admissible gratuity of Rs.3,41,704/-(up to 30.04.2023) has been sent to the Treasury for payment to the petitioner. He further submitted that the same will be credited to the account of the petitioner very soon. Ld.

A.P.O. further submitted that interest on delayed payment of gratuity has been calculated and a request has been made to Police Headquarters to release the budget.”

7. Ld. Counsel for the petitioner-applicant submitted that gratuity worth Rs. 3,41,704/- has been released in favour of the petitioner but interest on delayed payment of gratuity has not been paid, despite assurance given by the respondent department.

8. Ld. A.P.O. has placed copies of orders dated 20.06.2023, 23.06.2023, 14.07.2023, 20.04.2023, 13.04.2023 and 20.03.2023, issued by Addl. Secretary, Home, Govt. of Uttarakhand, Inspector General of Police, PHQ, Uttarakhand, Dehradun, Superintendent of Police, Chamoli, I.G. Police, PHQ, Uttarakhand, Dehradun, I.G. Police, PHQ, Uttarakhand, Dehradun and S.P.Chamoli, respectively, to submit that the order for release of Rs.74,489/- as simple interest, on delayed payment of gratuity, has been issued, but payment has not been made because the budgetary sanction, in this behalf is awaited. Copies of such orders are kept on record. Such orders are sufficient to indicate that the respondents are going to comply with the order of the Tribunal.

9. We hope and trust that interest on delayed payment of gratuity shall be released in favour of the petitioner, without unreasonable delay, preferably within four weeks of presentation of certified copy of this order before the authority(ies) concerned.

10. Execution petition is, accordingly, disposed of at the admission stage, with the consent of Ld. Counsel for the parties.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: AUGUST 24, 2023*  
*DEHRADUN*