

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

CONTEMPT PETITION NO. 09/SB/2023

Ravindra Singh Rawat.

.....Petitioner

versus

1. Sri Banshidhar Tiwari, Vice Chairman, Mussoorie Dehradun Development Authority, Uttarakhand, Dehradun.
2. Sri Mohan Singh Barniya, Secretary, Mussoorie Dehradun Development Authority, Uttarakhand, Dehradun.

..... Respondents

Present: Dr. N.K. Pant, Advocate, for the Petitioner
Sri V.P. Devrani, A.P.O., in assistance of the Tribunal

JUDGEMENT

Dated: 17th October, 2023

Justice U.C. Dhyani (Oral)

Present contempt petition has been filed by the petitioner because opposite party/ respondent no. 1 has failed to decide the representation of the petitioner as per direction dated 15.09.2022 of the Tribunal (passed in claim petition no. 96/DB/2022).

2. Petitioner is retired supervisor of Mussoorie Dehradun Development Authority (for short, 'M.D.D.A.'). When his representation was not decided, petitioner moved execution application, being execution petition no. 25/DB/2022, in which respondents were reminded of their duty to decide the representation of the petitioner. This was done *vide* order dated 09.12.2022.

3. It is the submission of learned Counsel for the petitioner that despite the service of both the orders upon respondent no. 1, representation of the petitioner has not been decided by the said respondent. Petitioner has, therefore, been compelled to file present contempt petition.

4. 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.”

5. Considering the backdrop of the petition, which has been mentioned by the Tribunal while disposing of claim petition no. 96/DB/2022 and execution petition no. 25/DB/2022, the Tribunal does not think it expedient or proper of taking action against respondent no. 1 under the Contempt of Courts Act, 1971, in the peculiar facts and circumstances of the case. The same does not, however, mean that the respondent no. 1 has been absolved of his responsibility of deciding the pending representation of the petitioner, as per law. That duty/ obligation of respondent no. 1 continues to exist. Respondent No. 1 is, again, served a reminder through this order to decide the representation of the petitioner, in accordance with law, without further loss of time.

6. Petitioner is directed to serve a copy of this order in the office of respondent no. 1 within two weeks.

(JUSTICE U.C. DHYANI)
CHAIRMAN

DATE: 17th October, 2023
DEHRADUN
RS