

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

CONTEMPT PETITION NO. 05/NB/SB/2023

[Arising out of judgment dated 24.07.2023,
passed in Claim petition No. No. 113/NB/DB/2023,
Mahesh Chandra Joshi vs. & others vs. State of Uttarakhand & others]

Keshar Singh Rawat aged about 56 years, s/o Sri M.S.Rawat, r/o
Village Chawasera, Tehri Garhwal & others

.....Petitioners

Vs.

Secretary, School Education, Uttarakhand Secretariat, Dehradun.

..... Respondent/Contemnor

Present: Sri Dushyant Mainali, Neeraj Tiwari &
Sri Nikhil Bhatt, Advocates, for the Petitioner
Sri Kishore Kumar, A.P.O. in assistance of the Tribunal

JUDGEMENT

DATED: 22ND NOVEMBER, 2023

Justice U.C. Dhyani (Oral)

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

*"It is, therefore, most respectfully prayed that this Hon'ble
Court may most graciously be pleased to call the opposite
party in person and punish him for committing deliberate,
intentional and willful contempt of court by flouting the
judgment and order dated 24.07.2023 passed in Claim
Petition No.113/NB/DB/2023 "Mahesh Chandra Joshi and
others Vs State of Uttarakhand and others", otherwise
petitioners shall suffer an irreparable loss and injury."*

2. Present petitioner was the petitioner no. 9 in the original claim
petition.

3. 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.”

[Emphasis supplied]

4. The claim petition was decided by the Bench comprising of Hon'ble Vice Chairman (J) and Hon'ble Vice Chairman (A). Paras 3 & 4 of the judgment and order dated 24.07.2023, passed in claim petition no. 113/NB/DB/2023, read as under:

“3. In today's hearing, learned Counsel for the petitioners submitted that the petitioners have made representations to the respondent department also to conduct the promotion process, but the department has not taken any decision on such representations. Learned Counsel for the petitioners confined his prayer to the extent that the petitioners shall submit a fresh representation to the respondent No. 1, who may be directed to decide the same within a reasonable time-frame. Such innocuous prayer of the learned Counsel for the petitioners is worth accepting.

4. The Tribunal, accordingly, directs that the petitioners shall make a fresh representation to the respondent No. 1 within two weeks from today alongwith certified copy of this order and the respondent No.1 shall take a suitable decision on the same by passing a reasoned and speaking order within two months thereafter.”

5. It is the submission of learned Counsel for the petitioners that the aforesaid order has not been complied with, therefore, the respondent should be issued notice under the Contempt of Courts Act, 1971.

6. One of the objectives 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 facts of the case, the Tribunal does not think it expedient or proper, at this stage, to initiate

action against the respondent under the Contempt of Court Act. The contempt petition is, therefore, converted into execution application.

7. The Tribunal reiterates its order dated 24.07.2023 and directs the respondent to comply with the said order, passed by this Tribunal in Claim Petition No. 113/NB/DB/2023, Mahesh Chandra Joshi and others 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.

8. Learned Counsel for the parties submitted that such an order can be passed by the Single Bench of the Tribunal.

9. Petitioners are 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.

10. Contempt/Execution application is, accordingly, disposed of at the admission stage, with the consent of learned Counsel for the parties.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 22ND NOVEMBER 2023
DEHRADUN
KNP