

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

CONTEMPT PETITION NO. C-03 /SB/2024

*(Arising out of judgment dated 11.07.2023, passed in Claim
petition No.123/SB/2023 & judgment dated 03.11.2023 passed
in Execution Petition No. 15/SB/2023)*

Smt. Bindeshwari Devlal, w/o Late Shri Ram Prasad Devlal, presently r/o Flat
No.07, L.I.G. Flats Hastal, Uttam Nagar, New Delhi-110059.

.....Petitioner/applicant

vs.

1. Sri Ravi Nath Raman, Secretary Education, Uttarakhand Secretariat, 4 Subhash Road, Dehradun.
2. Sri Mahavir Singh Bisht, Education Director, Uttarakhand, Nanoorkhera, Tapovan Enclave, Aamwala, Dehradun, Uttarakhand.
3. Sri S.B.Joshi, Additional Director, (Education), Garhwal Region, A.D. Office, Pauri City, Pauri Garhwal, Uttarakhand.
4. Sri Dinesh Chandra Gaur, Chief Education Officer, District Pauri Garhwal, C.E.O. Office, Pauri City, Uttarakhand.
5. Sri Ashish Dev Pandey, Principal, Inter College Adalikhil, P.O. Devlad (Dhumkot), Pauri Garhwal, Uttarakhand.

.....Respondents/O.Ps.

Present: Sri Anil Devlal, Advocate, for the petitioner/ applicant.
Sri V.P.Devrani, A.P.O., in assistance of the Tribunal.

JUDGMENT

DATED: FEBRUARY 19, 2024

Justice U.C.Dhyani (Oral)

PRAYER

Present contempt petition has been filed by the petitioner/
applicant with the following prayer:

“Hon’ble Tribunal may kindly graciously be pleased to suitably punish the alleged contemnor/ respondents for willful/ deliberate non-compliance/ contempt of this Tribunal & further to pass any such order/ orders which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.”

2. An affidavit has been filed by the petitioner/applicant in support of the contempt petition.

BACKDROP

3. Claim petition, being Claim Petition No. 123/SB/2023, Smt. Bindeshwari Devlal vs. State of Uttarakhand and others was filed by the petitioner. The same was decided by the Tribunal *vide* judgment and order dated 11.07.2023. The judgment reads as below:

“By means of present claim petition, the petitioner seeks following reliefs:

“(i) To direct the respondent nos. 4 and 5 to decide the representation letter dated 18.09.2022 of the applicant (Annexure: 1).

(ii) To pass any order, writ or direction as this Hon’ble Tribunal deem fit and proper.”

2. The petitioner has mentioned in her representation dated 18.09.2022 that her husband was promoted as Assistant Teacher in L.T. Grade and remained on this post till his death on 17.07.2005. Her husband had completed the needful service in C.T. Grade for the benefit of C.T. L.T. merger. While such benefit of merger was given to the Teachers who were working, the same was not extended to her husband as he had passed away. Several requests letters and representations were filed by the petitioner but the respondents authorities have not responded to the same.

3. Petitioner’s prayer, therefore, is that her representation dated 18.09.2022 be directed to be decided by Respondents No. 4 and 5, within a fixed time frame. Ld. A.P.O. has no objection to such innocuous prayer of the petitioner.

4. In view of the above, the Tribunal without going into the merits of the case, directs Respondents No. 4 and 5 to decide the representation dated 18.09.2022 of the petitioner, in accordance with law by a reasoned and speaking order within two months of presentation of certified copy of this order along with fresh copy of the representation.

The claim petition is disposed of, as above, at the admission stage itself. No order as to costs.”

4. When the order of the Tribunal was not complied with, petitioner/applicant filed execution application, being Execution Application No. 15/SB/2023, which was disposed of by this Tribunal *vide* order dated 03.11.2023, as follows:

“5 Learned A.P.O, on seeking instructions from District Education Officer, Pauri, submitted that an effort shall be made by the respondent department to decide the representation of the petitioner without further loss of time. The Tribunal records the aforesaid statement of learned A.P.O.

6. This Tribunal, therefore, instead of issuing notices to the respondents, reiterates the order dated 11.07.2023, passed by this Tribunal and requests the authorities concerned to comply with the same without further delay, to avoid further legal complications.

7. Petitioner-executioner is directed to send copies of this order to the authorities concerned by registered post acknowledgement due, to remind them that a duty was cast upon them to do something, which has not been done. The same should be done now, at the earliest possible, without unreasonable delay.

8. If order dated 11.07.2023 is not complied with by the respondent department within a reasonable time, the petitioner shall be at liberty to move contempt-petition against the erring officials, as per law.”

5. When above noted orders were not complied with, petitioner/applicant has been compelled to file present contempt petition.

RULE POSITION

6. Rule 50 of the Uttar Pradesh Public Services (Tribunal) Rules, 1992, reads as under:

“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]

DISCUSSION

7. It is the submission of Ld. Counsel for the petitioner/ applicant that non-compliance of the above noted orders have compelled the petitioner to file present contempt petition. Two documents have been filed with the petition, viz;-

- (i) Office Order No. 295/ 223-24 dated 02.11.2023, issued by Chief Education Officer, Pauri Garhwal (Respondent No.4) (Annexure: E-3) &

(ii) Letter dated 07.12.2023, written by Principal/ Manager, Inter College, Adalikhhal, Pauri Garhwal (Respondent No.5) to the petitioner (Annexure: E-3 *colly*).

8. Ld. A.P.O., on seeking instructions from the Respondents/ Opposite Parties No. 4 and 5, submitted that the representation of the petitioner has been decided, pay-fixation order has also been issued and salary/ pay, on the basis of amended pay fixation order, and arrears thereof, shall be disbursed in the account of the petitioner, within three weeks.

9. The Tribunal records the aforesaid statement of Ld. A.P.O.

ORDER

10. The Tribunal does not think it expedient or proper to take action against the respondents/ O.Ps. under the Contempt of Courts Act, 1971, in view of the statement of Ld. A.P.O., which he has given on the basis of instructions received by him from Respondents No. 4 & 5, that the representation of the petitioner has been decided, pay-fixation order has also been issued and salary/ pay, on the basis of amended pay fixation order, and arrears thereof, shall be credited to the account of the petitioner, within three weeks.

11. The contempt petition is thus closed, leaving it open to the Ld. Counsel for the petitioner/ applicant to make a mention, if the aforesaid amount is not credited to the account of the petitioner within a period of four weeks.

12. Let copies of this order be supplied to Ld. Counsel for the petitioner/ applicant as well Ld. A.P.O., today itself.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: FEBRUARY 19, 2024
DEHRADUN

VM