

**UTTARAKHAND PUBLIC SERVICES TRIBUNAL
DEHRADUN BENCH AT NAINITAL**

**Review Application No. 01/Rew/NB/DB/2014
IN
Civil Contempt Application No. C-16/NB/DB/2012**

Dr. Naresh Chandra Varshney
R/o Amrawati-1, Haldwani.

.....Applicant

Versus

1. Shri R. K. Sharma, Secretary, Hr. Edu.,
Uttarakhand, Dehradun.
2. Smt. Mukul Pant, Director, Hr. Edu.,
Uttarakhand, Haldwani.

.....Respondents.

Coram: **Hon'ble Justice J. C. S. Rawat**

..... **Chairman**

&

Hon'ble Sri U. D. Chaube

..... **Member (A)**

Present: Petitioner Dr. Naresh Chandra Varshney in person.
Sri V.P. Devrani, A.P.O. for the respondents.

ORDER**DATED: 14th October, 2014****Justice J.C.S. Rawat (Oral)**

This review application has been filed by the petitioner Dr. Naresh Chandra Varshney with the prayer that orders passed by this Tribunal on 23-05-2014 in the Contempt Petition No. C-16/NB/DB/2012 Dr. Naresh Chandra Varshney Vs. Sri R. K. Sharma & another have not been obeyed, so that the respondents may be suitably punished for flouting the order of the Tribunal dated 29-08-2012 passed in the Claim Petition No. 24/N.B./2010.

On perusal of record, it transpired that this Tribunal allowed the claim petition of the petitioner on 29-08-2012 and pursuant to the said order, the respondents did not make compliance and he preferred a Contempt Petition before this Tribunal. After issuing the notices the order of the Tribunal was complied by the respondents after a long time. Thereafter, on 23-05-2014 it was held that the payment has already been made and notices were discharged. The order dated 23-05-2014 is self explanatory. Now, the petitioner has brought this petition by way of review that the order dated 23-05-2014 be reviewed and the respondents be suitably punished.

We have heard both the parties and perused the record.

The contempt notices have already been discharged on 23-05-2014 disposing of contempt proceeding. At the time of the hearing of the contempt petition the petitioner had not raised the point which has been preferred today by way of the review petition. The principle of the review petition has been laid down in the Civil Procedure Code. Though the principles of the C.P.C. as enunciated for review are applicable in the present case also, the review petition can only be

brought before the Court when the fact has been raised before the Court, but the Court has not decided the said fact. In the present case, the payment of the petitioner had already been made and the petitioner had filed the contempt petition only to redress his grievances ordered in the claim petition. The Court while disposing of the petition did not find it appropriate to punish the authorities and the order was passed accordingly, because payment had already been made pursuant to the order of the Tribunal. In these circumstances, we do not find any good ground to review the order passed by the Tribunal. Hence, the review petition is hereby dismissed.

Sd/-
U.D. Chaube
Member (A)

Sd/-
Justice J.C.S. Rawat
Chairman

B.K.

Dated : 14-10-2014