

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

CONTEMPT PETITION NO. C-10 /SB/2024

*(Arising out of judgment dated 17.10.2023,
passed in Claim petition No. 84/SB/2023 & judgment dated
31.01.2024 passed in Execution Petition No. 09/DB/2024)*

Dr. Arun Kumar Dey, aged about 65 years, s/o late Sri J.L. Dey, r/o 18/1,
Deeplok Colony, Ballupur, Dehradun.

.....Petitioner/applicant

vs.

1. Government of Uttarakhand through Secretary, Medical Health and Family Welfare, Secretariat, Subhash Road, Dehradun.
2. Director General, Medical Health and Family Welfare, Vill. Dandalakhond, Post Office Gujrada, Sahastradhara Road, Dehradun.
3. Chief Medical Officer, 105, Chander Nagar, Dehradun.
4. Medical Superintendent, Community Health Centre, Sahaspur, Dehradun.

.....Respondents/O.Ps.

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

JUDGMENT

DATED: MAY 14, 2024

Justice U.C.Dhyani (Oral)

Present contempt petition has been filed by the petitioner/applicant for initiating contempt action against the respondents/ opposite parties, who are

responsible for not complying with the orders dated 17.10.2023 and 31.01.2024 of the Tribunal passed respectively in Claim Petition No. 84/SB/2023 and Execution Petition No. 09/DB/2024.

2. Rule 50 of the Uttar Pradesh Public Services (Tribunal) 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]

3. Sri V.P.Devrani, Ld. A.P.O., who is assisting the Tribunal in this contempt petition, placed two letters before the Bench, sent by Director General, Medical, Health and Family Welfare, Uttarakhand (for short, D.G.) addressed to the Additional Secretary, Medical, Health & Medical Education, Section-1, Govt. of Uttarakhand, Dehradun. In her letters dated 21.02.2024 and 18.04.2024, D.G. sought direction of the Government for complying with the orders of the Tribunal.

4. It appears that no direction has been given by the Additional Secretary to the D.G. in this regard.

5. In the instant case, Respondents No. 2, 3 & 4 are not sitting idle. Had Respondents No. 2, 3 & 4 been sitting idle, letter dated 21.02.2024 followed by reminder dated 18.04.2024 would not have been sent by D.G. to the Addl. Secretary to the Govt.

6. The matter is only pending at the level of the Addl. Secretary to the Govt. in Medical, Health & Medical Education department. Addl. Secretary should give a direction to the D.G. that the orders of the Tribunal be complied with promptly.

7. The Tribunal, at this stage, does not feel it proper or expedient to initiate action against Respondent No. 1, under the Contempt of Court Act. The Tribunal, however, reiterates its orders dated 17.10.2023 and 31.01.2024, by making a request to the Addl. Secretary, Medical, Health & Medical

Education, Section-1, Govt. of Uttarakhand, Dehradun, to grant permission to Respondents No. 2, 3 & 4 to comply with Tribunal's orders, without any unreasonable delay.

8. Sri Rajesh Kumar Thapa, Advocate is requested to serve a copy of this order along with copies of letters dated 21.02.2024 and 18.04.2024 of the D.G. on Private Secretary to the Addl. Secretary to the Govt. in Medical, Health & Medical Education Department, enable her/him to direct Respondents No. 2, 3 & 4 to comply with Tribunal's orders dated 17.10.2023 & 31.01.2024, without fail.

9. Contempt petition thus stands disposed of, at the admission stage.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MAY 14, 2024
DEHRADUN

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