

**THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

CONTEMPT PETITION NO. C-15 /SB/2024

*(Arising out of judgment dated 06.07.2022, passed in
Claim Petition No.77/DB/2022 & order dated
18.07.2023 passed in Ex. Petition No. 11/DB/2023)*

Bhuwan Chandra Pandey, aged about 61 years, s/o Late Sri Trilochan Chandra Pandey, r/o 1/13 A, Ashirwad Enclave, Chakarata Road, Ballupur, Dehradun, Uttarakhand.

.....Petitioner/Applicant

vs.

1. Sri Deepak Yadav, Head of the Department & Engineer-in-Chief, Public Works Department, Uttarakhand, Dehradun.
2. Sri Pankaj Kumar Pandey, Secretary, P.W.D., Uttarakhand Dehradun.

.....Respondents/O.Ps.

Present: Sri M.C.Pant(online), Sri Abhishek Chamoli &
Sri Abhishek Pant, Advocates, for the petitioner/applicant
Sri V.P.Devrani, A.P.O., in assistance of the Tribunal.

JUDGMENT

DATED: AUGUST 22, 2024

Justice U.C.Dhyani (Oral)

Petitioner/applicant has moved present contempt petition for initiating contempt proceedings against the respondents and punishing them appropriately.

2. The background of present contempt petition is- firstly, the order passed on 06.07.2022 in Claim Petition No. 77/DB/2022, Bhuwan Chandra Pandey vs. State of Uttarakhand and others, whereby respondent No.2 was directed to decide the pending representation of the petitioner dated 15.05.2022, after giving an opportunity of personal hearing to the petitioner, by a reasoned and speaking order, has not been decided.

3. Secondly, when the concerned respondent did not do it, the petitioner filed Execution Petition No. 11/DB/2023, which too was disposed of by the Tribunal on 18.07.2023, by directing the official respondent(s) to comply with the order dated 06.07.2022, passed in Claim Petition No. 77/DB/2022, without further loss of time, failing which the concerned respondent(s) may be liable to face appropriate action under the relevant law governing the field.

4. Ld. Counsel for the petitioner/ applicant submitted that, despite the above, order of the Tribunal has not been complied with so far, therefore, strict action may be taken against the respondents, after summoning them in the Tribunal.

5. Sri V.P.Devrani, Ld. A.P.O. submitted, on the strength of documents supplied by Engineer-in-Chief & HOD, P.W.D., Uttarakhand and letter dated 07.08.2024, written by Sri Shriprakash Tiwari, Deputy Secretary, P.W.D. to the Secretary, P.W.D., Govt. of Uttarakhand, that the matter is complicated, inasmuch as the petitioner wants to include the services rendered by him in Aawas Evam Vikas Parishad, Public Works Department, Uttar Pradesh, for which relevant documents are being collected by the respondent department, in respect of which a meeting was called on 07.08.2024, in which a decision was taken to summon the relevant documents related to the service of the petitioner in the State of U.P., which may take sometime.

6. 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]

7. The Bench is, *prima facie*, satisfied that the respondent department and Secretariat are making efforts to solve the problem relating to the services of the petitioner/ applicant. The same will, in normal course definitely take sometime, hence the Tribunal does not feel it proper or expedient to initiate action against the respondents under the Contempt of Court Act, as of now.

8. It is expected that the matter shall be brought to its logical conclusion as expeditiously as possible, preferably within 12 weeks of presentation of certified copy of this order.

9. The contempt petition is, accordingly, closed.

10. Let copies of this order be supplied to Ld. Counsel for the petitioner and Ld. A.P.O. for onward submission to the official respondents for necessary action.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 22, 2024
DEHRADUN

VM