

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

CONTEMPT PETITION NO. C-18 /SB/2024

*(Arising out of judgment dated 24.11.2022,
passed in Claim petition No. 139/DB/2022 & judgment
dated 03.07.2024 passed in Execution Petition No.
20/SB/2024)*

Mahesh Chandra Purohit., aged about 77 years S/o Late Sri Bachi
Ram Purohit, r/o 261/3 Pithuwala, Van Vihar, Shimla Road, Post
Office Majra, District Dehradun, Uttarakhand

.....Petitioner/applicant

vs.

1. Dr. R. Rajesh Kumar, Commissioner/ Principal Secretary,
Department of Medical, Health and Family Welfare , Uttarakhand,
Dehradun.
2. Dr. Tara Arya, Director General, Department of Medical, Health and
Family Welfare, Dehradun.

.....Respondents/O.Ps

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

JUDGMENT

DATED: NOVEMBER 07, 2024

Justice U.C.Dhyani (Oral)

Present contempt petition has been filed by the
petitioner/applicant for initiating contempt action under the Contempt of

Court Act, against the erring officials for not complying with the order of the Tribunal dated 24.11.2022 passed in Claim Petition No. 139/DB/2022 and order dated 03.07.2024 passed in Execution Petition No. 20/SB/2024.

2. Copies of judgment dated 24.11.2022 passed in Claim Petition No. 139/DB/2022 and judgment dated 03.07.2024 passed in Execution Petition No. 20/SB/2024, have been brought on record as Annexure: C-1 and Annexure: C-2, respectively.

3. It is the submission of Sri Abhishek Chamoli, Ld. Counsel for the petitioner/applicant that the orders of the Tribunal dated 24.11.2022 and 03.07.2024, have not been complied with by the respondents so far.

4. Sri V.P.Devrani, Ld. A.P.O., who is assisting the Tribunal in this contempt petition, on seeking instructions from the respondent department, submitted that the direction to the petitioner was given to file the representation to the Secretary, Medical Health and Family Welfare Department, Govt. of Uttarakhand (Respondent No.1), but, instead of submitting representation along with copy of the Judgment, to the said authority, the representation has been addressed to the Director General, Medical Health and Family Welfare (Respondent No.2), who has sent the same to the Secretary, Medical Health and Family Welfare, Govt. of Uttarakhand. Ld. A.P.O. further submitted that the petitioner/applicant should be directed to file the representation to the Secretary, Medical Health and Family Welfare Department, Govt. of Uttarakhand directly with copy to Director General, Medical Health and Family Welfare.

5. If the same is done, Respondent No.1 shall decide the representation of the petitioner as quickly as possible, as per law, Ld. A.P.O. assured the Tribunal. Ld. Counsel for the petitioner/ applicant submitted that petitioner will directly move representation to Respondent No.1, copy whereof shall be supplied to Respondent No.2, within two weeks.

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. Considering the facts of the case, the Tribunal does not think it expedient or proper to take action against the respondents under the Contempt of Court Act, at this stage.

8. Instead, the Tribunal directs the petitioner/applicant to move representation to Respondent No.1 directly, within a fortnight from today, whereafter the Respondent No.1 shall decide the representation of the petitioner-applicant by a reasoned and speaking order, as expeditiously as possible, without unreasonable delay, in accordance with law.

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

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: NOVEMBER 07, 2024
DEHRADUN

VM