

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

CONTEMPT PETITION NO. 03/NB/DB/2024

[Arising out of judgment dated 24.07.2023,
passed in Claim petition No. No. 113/NB/DB/2023,
Mahesh Chandra Joshi vs. & others vs. State of Uttarakhand & others]

Keshar Singh Rawat aged about 56 years, s/o Sri M.S. Rawat, r/o
Village Chawasera, Tehri Garhwal & others.

.....Petitioners-Applicants

versus

Sri Ravinath Raman, Secretary, School Education, Uttarakhand,
Secretariat, Dehradun.

..... Respondent/Alleged Contemnor

Present: Sri Dushyant Mainali, Advocate, for the Petitioners
Sri Kishore Kumar, A.P.O., in assistance of the Tribunal

JUDGEMENT

Dated: 28th November, 2024

Justice U.C. Dhyani (Oral)

Present contempt petition has been filed on behalf of the petitioners to punish the respondent for committing contempt of Court by flouting the judgement and order dated 24.07.2023, passed in claim petition no. 113/NB/DB/2023, Mahesh Chandra Joshi and others vs. State of Uttarakhand and others, and order dated 22.11.2023, passed in contempt petition (execution application) no. 05/NB/SB/2023, Keshar Singh Rawat and others vs. State of Uttarakhand and others.

2. Petition is supported by the affidavit of Sri Keshar Singh Rawat, petitioner-applicant.

3. The judgement rendered by the Tribunal on 24.07.2023 in claim petition no. 113/NB/DB/2023, Mahesh Chandra Joshi and others vs. State of Uttarakhand and others, reads as under:

“The claim petition has been filed seeking the following reliefs:

i. To direct the respondents to immediately conduct the promotional process for Assistant Teacher (LT) Grade to Lecturer Grade in the Secondary Education Department of Uttarakhand and to consider the petitioners for the promotion.

ii. To fill all the vacant posts of Lecturers in personal promotion quota in the Secondary School Education Department without any undue delay.

iii. To provide the petitioners seniority in the Lecturer Grade commencing from the date of their eligibility upon such promotion when their right to be promoted accrued.

iv. Issue any other or further direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

v. To award the cost of the petition in favour of the petitioner.”

2. Learned A.P.O. appearing for the respondent No. 1 submitted that the reliefs claimed in the claim petition are not maintainable as the Tribunal cannot direct the respondent department to start the promotion process immediately.

3. In today's hearing, learned Counsel for the petitioners submitted that the petitioners have made representations to the respondent department also to conduct the promotion process, but the department has not taken any decision on such representations. Learned Counsel for the petitioners confined his prayer to the extent that the petitioners shall submit a fresh representation to the respondent No. 1, who may be directed to decide the same within a reasonable time-frame. Such innocuous prayer of the learned Counsel for the petitioners is worth accepting.

4. The Tribunal, accordingly, directs that the petitioners shall make a fresh representation to the respondent No. 1 within two weeks from today alongwith certified copy of this order and the respondent No. 1 shall take a suitable decision on the same by passing a reasoned and speaking order within two months thereafter.

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

4. When the order was not complied with, the petitioner filed contempt petition no. 05/NB/SB/2023 (copy Annexure No. 4), which was disposed of by the Tribunal *vide* order dated 22.11.2023, as under:

“.....

7. The Tribunal reiterates its order dated 24.07.2023 and directs the respondent to comply with the said order, passed by this Tribunal in Claim Petition No. 113/NB/DB/2023, Mahesh Chandra Joshi and others vs. State of Uttarakhand & others, without further loss of time, failing which the respondent may be liable to face appropriate action under the relevant law governing the field.

.....

9. Petitioners are directed to place a copy of this order before the authority concerned, to remind that a duty is cast upon him to do something, which has not been done.

10. Contempt/Execution application is, accordingly, disposed of at the admission stage, with the consent of learned Counsel for the parties.”

5. When nothing was done, the petitioner-applicant was compelled to file present contempt petition.

6. Sri Kishore Kumar, learned A.P.O., who is assisting the Tribunal, was requested to seek instructions in the matter.

7. Today, learned A.P.O. has placed a copy of office memorandum dated 03.01.2024 and submitted that the representation of the petitioners-applicants has been disposed of.

8. 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]

9. Keeping in view the above-noted facts, the Tribunal does not feel it expedient or proper to initiate action against the respondent under the Contempt of Courts Act.
10. Contempt petition is, accordingly, closed at the admission stage, with the consent of learned Counsel for the parties.

(JUSTICE U.C. DHYANI)
CHAIRMAN

DATE: 28th November, 2024
DEHRADUN
RS