

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

**CONTEMPT PETITION NO. 03/SB/2025**

*[arising out of judgement and order dated 11.01.2024 passed in  
claim petition no. 05/SB/2024]*

Sri B.S. Negi.

.....Petitioner-Applicant

versus

1. Sri R. Meenakshi Sundaram, Secretary, Department of Housing, Secretariat, Subhash Road, Dehradun.
2. Smt. Vandana Singh, Secretary/ Vice Chairman, District Development Authority, Nainital.
3. Smt. Shalu Thind, Chief Town and Village Planner, Urban and Village Planning Department, Uttar Pradesh, Lucknow.

..... Respondents-OPs

Present: Dr. N.K. Pant, Advocate, for the petitioner  
Sri V.P. Devrani, A.P.O., in assistance of the Tribunal

**JUDGEMENT**

**Dated: 12<sup>th</sup> March, 2025**

**Justice U.C. Dhyani (Oral)**

Present application has been filed by the applicant-petitioner for initiating contempt action against erring officials for securing compliance of Tribunal's order dated 11.01.2024 passed in claim petition no. 05/SB/2024, B.S. Negi vs. State of Uttarakhand and others, and subsequently filed order passed by the Secretary to the Govt. in Housing Department. It was passed earlier but has been filed subsequently in this contempt petition. In other words, Office Memorandum dated 07.03.2021 was not in the knowledge of the Tribunal when claim petition no. 05/SB/2024 was disposed of.

2. Claim petition no. 05/SB/2024 was disposed of by the Tribunal *vide* order dated 11.01.2024, operative portion of which reads as under:

“4. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing Respondent No.3 to decide pending representation of the petitioner by a reasoned and speaking order, as per law, without unreasonable delay, and in any case within 08 weeks of presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

5. Rival contentions are left open.”

3. Office Memorandum was issued by Sri Shailesh Bagoli, Secretary, Housing, Govt. of Uttarakhand, on 07.03.2021 (copy Annexure: C3). Copies of such O.M. were issued by Sri Vinod Kumar Suman, Secretary (in-charge), Govt. of Uttarakhand to Vice Chairman, District Development Authority, Nainital; Secretary, District District Development Authority, Nainital; Chief Country and Town Planner, Dehradun; and Sri B.S. Negi, petitioner.

4. Sri Shailesh Bagoli decided the representations dated 12.10.2020 and 26.10.2020 of the petitioner by giving certain directions to the officers concerned. It is surprising to note that the directions of the Secretary, Housing, Govt. of Uttarakhand, have not yet been carried out by the officers subordinate to him.

5. In O.M. dated 07.03.2021, it has clearly been mentioned that the petitioner had already completed 20 years of service in Uttar Pradesh before coming to Uttarakhand. Petitioner has retired on 30.10.2020 as In-charge Superintending Engineer, District Level Development Authority Nainital. His salary from July, 2020 to October, 2020 has not been released, it requires to be released. His medical reimbursement as well as T.A. bill has also not been cleared. The same has to be paid to the petitioner. At internal page 3 of O.M. dated 07.03.2021, a direction has been given by the Secretary (to the Govt.) to release such dues to the petitioner. In such O.M., it has also been directed that pension be paid to the petitioner on the basis of service book maintained by District

Development Authority, Nainital in consultation with Department of Country and Town Planning. Despite such directions of the Secretary, Housing, Govt. of Uttarakhand, it is surprising to note that the subordinate officers have not complied with his orders.

6. When the order was not complied with, the petitioner was compelled to file execution application. Execution application no. 28/SB/2024 was disposed of by the tribunal *vide* order dated 16.10.2024 by directing as under:

“6. Considering the facts of the case, this Tribunal, while reiterating its earlier order directs respondent no. 3 to comply with the order dated 11.01.2024, passed by this Tribunal in Claim Petition No. 05/SB/2024, B.S. Negi vs. State & others, if the same has not been complied with so far, without further loss of time.

7. Petitioner/ applicant is directed to place a copy of this order before the authority concerned, to remind that a duty is case upon said authority to do something, which has not been done.

7. It is submission of learned Counsel for the petitioner that despite aforesaid orders of the Tribunal and order of the Secretary, Housing, Govt. of Uttarakhand, nothing has been done so far.

8. The Tribunal deems it appropriate to direct and accordingly directs District Development Authority, Nainital to comply with O.M. dated 07.03.2021 issued by Secretary, Housing, Govt. of Uttarakhand, which was passed earlier to Tribunal's order dated 11.01.2024. The same may be done as expeditiously as possible, without unreasonable delay, preferably within 16 weeks of presentation of certified copy of this order, along with copy of O.M. dated 07.03.2021.

9. Liberty is granted to learned Counsel for the petitioner if the order is not complied with within 18 weeks from today.

10. Respondents are also given liberty to move for recall of this order, if they feel that the facts stated herein are otherwise (incorrect) or there is error apparent on the face of record.

11. The above order has been passed by the Tribunal in exercise of jurisdiction under Rule 50 of the Uttar Pradesh Public Services (Tribunal) Rules, 1992, which reads as under:

**“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]*

12. The Tribunal does not consider it expedient or proper to initiate action against the respondents/ O.P.s under the Contempt of Courts Act as of now.

13. Contempt proceedings are, accordingly, closed, with the directions as above.

**(JUSTICE U.C. DHYANI)**  
CHAIRMAN

DATE: 12<sup>th</sup> March, 2025  
DEHRADUN  
RS