

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

CONTEMPT PETITION NO. C-01 /NB/DB/2025

*(Arising out of judgment dated 28.08.2019,
passed in Claim petition No. 15/NB/DB/2018)*

Ram Gopal Saxena, aged about 64 years, s/o Sri Tej Raj Saxena, r/o Kasba
Kemari, Tehsil Bilaspur, District Rampur, Uttar Pradesh.

.....Petitioner/applicant

vs.

1. Sri Ramesh Kumar Sudhanshu, Chief Secretary, Revenue, Uttarakhand Government, Dehradun.
2. Sri Chandresh Kumar, Chief Revenue Commissioner, Uttarakhand, Dehradun.
3. Sri Nitin Bhadauria, District Magistrate/ Record officer, District Udham Singh Nagar.

.....Respondents/ O.Ps.

(Virtually)

Present: Sri N.K.Papnoi, Advocate, for the petitioner/applicant..
Sri Kishore Kumar, A.P.O. in assistance of the Tribunal.

JUDGMENT

DATED: MARCH 11, 2025

Justice U.C.Dhyani (Oral)

Present contempt petition has been filed by the applicant/
petitioner for initiating contempt action against the respondents/ opposite
parties for non-compliance of Tribunal's order dated 28.08.2019, passed in
Claim Petition No. 15/NB/DB/2018, Ram Gopal Saxena vs. State of
Uttarakhand and others, which order has been affirmed by the Hon'ble High
Court *vide* order dated 15.02.2024, passed in WPSB No. 424/2020.

2. Contempt petition is supported by the affidavit of Sri Ram Gopal Saxena, applicant/ petitioner. Relevant documents in support of his averments have also been filed.

3. Operative portion of order dated 28.08.2019, passed by the Tribunal in Claim Petition No. 15/NB/DB/2018, runs as under:

“The claim petition is allowed. The impugned order dated 03.03.2018, passed by the respondent No. 2, order dated 16.12.20017, passed by the respondent No. 3 are hereby quashed.

The respondents are directed to grant the benefit of the pays scale of the post of Naib Tehsildar as per the U.P. Government order No. 3711/1-9-97-10-2(5)/92 dated 06.09.1997 w.e.f. 01.12.2001 to the petitioner and to provide him the equal pay scales with grade pay, revised pay scales from time to time with grade pay of Rs. 5400 along with its arrears and other consequential retiral benefits, within a period of six months from the date of this order.

.....”

4. Aforesaid order of the Tribunal dated 28.08.2019 was challenged by the State of Uttarakhand and others before the Hon’ble High Court of Uttarakhand. Hon’ble Court was pleased to pass an order on 15.02.2024, relevant portion of which runs, as under:

“2. The impugned judgment is challenged only on the ground that learned Tribunal failed to consider that Government Order dated 06.09.1997, was applicable only to employees of Revenue Branch and not to Survey Branch. Learned State Counsel however conceded that Revenue and Survey Branch are two wings of Revenue Department and employees serving in these branches are employees of Revenue Department.

3. The Government Order dated 06.09.1997 issued by Principal Secretary, Revenue, State of U.P. regarding upgradation of pay scale of Tehsildar and Naib Tehsildar has been quoted in Para 35 of the impugned judgment. In the subject of the said Government Order, it is clearly mentioned that the policy decision taken by the State Government shall be applicable to Tehsildar and Naib Tehsildar serving in Revenue Department. The Government Order does not make any distinction between employees serving in Revenue Branch vis.a.vis. the employees serving in Survey Branch of Revenue Department.

4. Learned tribunal in Para 38 has taken note of the fact that the benefit of G.O. dated 06.09.1997 was extended to similarly situated employees serving in Survey Branch of the Revenue Department in District Udham Singh Nagar.

5. Since, the policy decision is applicable across the board to all employees of Revenue Department, therefore, the learned Tribunal was justified in extending benefit of the policy decision to the respondent.

6. Thus, there is no scope of interference with the impugned judgment. The writ petition fails and accordingly dismissed. No order as to costs.”

5. Execution application was filed by the petitioner for securing compliance of Tribunal’s order. This Tribunal passed an order on 24.09.2024 and directed the respondents to comply with the judgment of the Tribunal dated 28.08.2019 and file compliance affidavit. When the same was not done, another order was passed by the Tribunal on 07.11.2024, directing the respondents to comply with the order of the Tribunal, failing which contempt proceedings will be initiated against the Chief Revenue Commissioner, Uttarakhand, Dehradun.

6. Sri Chandresh Kumar, Commissioner and Secretary, Board of Revenue, wrote a letter to the Principal Secretary, Revenue, Govt. of Uttarakhand, Dehradun on 14.05.2024 (Annexure: 4), for seeking guidance. Copy of such letter was endorsed to District Magistrate, Udham Singh Nagar, for information and necessary action.

7. In such letter, Commissioner and Secretary, Board of Revenue sought guidance of the Principal Secretary, Revenue, on two counts, viz, (i) Whether to comply with the order dated 28.08.2019 of the Tribunal, or (ii) whether SLP is to be filed against the order dated 15.02.2024 passed by the Hon’ble High Court in WPSB No. 424/2020.

8. Rule 50 of the Uttar Pradesh Public Services (Tribunal) Rules, 1992, 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]

9. It appears that no decision has been taken at the level of the Principal Secretary, Revenue on such letter so far.

10. The Tribunal, at this juncture, does not feel it proper or expedient to initiate action against the alleged contemnors/ opposite parties under the Contempt of Court Act. Instead, it thinks proper to request the Principal Secretary, Revenue, to take appropriate decision on letter dated 14.05.2024 of Commissioner & Secretary, Board of Revenue.

11. Needless to say that the order of the Tribunal, as affirmed by the Hon'ble High Court, has to be complied with in the absence of any order, to the contrary, of the highest Court. The same may be done as expeditiously as possible and without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order.

12. Applicant/petitioner is directed to send copies of this order by registered post acknowledge due, to be served in the offices of:

(i) Principal Secretary, Revenue, Govt. of Uttarakhand.

(ii) District Magistrate, Udham Singh Nagar.

13. Contempt petition is, accordingly, closed as of now.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MARCH 11, 2025
DEHRADUN

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