

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

CONTEMPT PETITION NO. C-08 /SB/2025

*(Arising out of judgment dated 16.01.2025,
passed in Claim petition No. 08/SB/2025 & judgment
dated 11.04.2025 passed in Execution Petition No.
06/SB/2025)*

Binder Kumar, s/o Sri Rajpal Singh, Ex. Chief Assistant, Uttarakhand Jal
Sansthan, Haridwar, r/o Village- Miragpur, Tehsil- Deoband, Saharanpur.

.....Petitioner/applicant

vs.

1. Sri Shailesh Bagauli, IAS, Secretary (Payjal), Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun..
2. Smt. Neelima Garg, Chief General Manager (HQR) Uttarakhand jal Sansthan, Jal Bhawan, B Block, Nehru Colony, Dehradun.
3. Sri Yashveer Mal, Superintending Engineer, 58- Rishikesh Road, Bhoopatwala, Haridwar, Uttarakhand.
4. Sri Vipin Kumar, Executive Engineer, X3F9+CH4, Rural Engineering Service Department, Haridwar Division, Haridwar.

.....Respondents

Present: Sri Uttam Singh, Advocate, for the petitioner-applicant.
Sri V.P. Devrani, A.P.O. & Sri Deepak Singh, Advocate,
in assistance of the Tribunal.

JUDGMENT

DATED: MAY 17, 2025

Justice U.C.Dhyani (Oral)

An order was passed by the Tribunal on 16.01.2025 in Claim Petition No. 08/SB/2025, Binder Kumar vs. State of Uttarakhand and others. When the same was not complied with, petitioner filed Execution Application No. 06/SB/2025, which was disposed of by the Tribunal *vide* order dated 11.04.2025, as under:

“.....

3. The prayer made by the petitioner in present execution application reads as below:

"(1) To direct the respondent to decide the representation within two weeks.

(ii) To attach the salary account of the respondent department till the order is not complied with.

(iii) Any other order the Hon'ble Tribunal may kindly deem fit."

4. It is the submission of Sri Uttam Singh, learned Counsel for the petitioner-executioner that the order dated 16.01.2025 has not been complied with by the respondent department so far.

5. Operative portion of the order dated 16.01.2025 rendered by this Tribunal in claim petition no. 08/SB/2025, is reproduced herein below, for convenience:

“.....

5. The claim petition is disposed of, with the consent of Ld. counsel for the parties, by directing Respondent No.2, to decide the representation of the petitioner, by a reasoned and speaking order, as per law, as expeditiously as possible and without unreasonable delay on presentation of certified copy of this order along with representation highlighting his grievance, enclosing the documents in support thereof. No order as to costs.

6.....”

6 The Tribunal feels it proper to remind the concerned authority(ies) to comply with the aforesaid order, which, according to learned Counsel for the petitioner, has not been complied with. The Tribunal, therefore, serves a reminder upon the respondent department that a duty was cast upon them to do something, which has not been done. The same should be done now, at the earliest possible without unreasonable delay.

7. If order dated 16.01.2025 is not complied with by the respondent department within a reasonable time, it will be open for the petitioner to seek appropriate remedy before the appropriate forum against the erring officials, as per law.

8. The execution application is disposed of, at the admission stage, with the consent of learned Counsel for the parties, with a direction to the respondent department to ensure compliance of order dated 16.01.2025, passed in claim petition no. 08/SB/2025, *Binder Kumar vs. State of Uttarakhand and others*, without further delay.”

2. When no order was passed on the representation of the petitioner, petitioner was compelled to file present contempt petition on 15.05.2025.

3. On 15.05.2025, Sri Deepak Singh, Advocate, entered appearance for Respondents/ alleged contemnors, for assistance of the Tribunal. He

requested to defer the proceedings for 17.05.2025. Accordingly, the contempt petition is being taken up today for disposal.

4. 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]

5. Sri Deepak Singh, Advocate, on seeking instructions from Respondent No.2, submitted that the representation of the petitioner has been disposed of under intimation to the petitioner. The order, disposing of the representation, has also been sent to him on his WhatsApp, which he has forwarded to Sri Uttam Singh, Ld. Counsel for the petitioner/ applicant.

6. Representation of the petitioner has been decided. No useful purpose would be served by keeping the contempt petition pending. The same is, accordingly closed.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MAY 17, 2025.
DEHRADUN

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