

Contempt Petition No. 01/DB/2018
Niyamat Ali Khan vs. R.P.Srivastav & others

Dated: 27.03.2018

Present: Sri L.D.Dobhal, Counsel
for the petitioner
Sri U.C.Dhaundiyal, A.P.O.
for the State

By means of present contempt petition, the petitioner/applicant seeks to punish the respondent/contemnor for willful disobedience of the judgment and order dated 02.03.2017, passed by this Tribunal in Claim Petition No. 05/SB/2014, Niyamat Ali Khan vs. State of Uttarakhand & others.

The order sought to be executed is being reproduced herein below for convenience:

“The claim petition is hereby allowed. Respondents are directed to refund the amount of Rs.17,766/- recovered from the petitioner. Respondents are also directed to pay to the petitioner (i) interest on monthly pension from 01.05.2012 till the date of actual payment; (ii) interest on gratuity from 01.05.2012 till the date of actual payment; and (iii) interest on the amount of leave encashment from 01.05.2012 till the date of actual payment. The rate of interest shall be the simple rate of interest payable on General Provident Fund during the relevant period. The petitioner will be paid recovered amount of Rs.17,766/- and the amount of interest as above within a period of three months from the date of copy of this order is received by the respondents. No order as to costs”

It is the submission of learned counsel for the petitioner that the casual approach on the part of respondents should not be tolerated and strict action should be initiated against the alleged contemnor.

One of the objectives of contempt jurisdiction is the enforcement and compliance of the order of the Court.

This Tribunal, therefore, instead of issuing notice to the respondents, reiterates the order dated 02.03.2017 passed by this Tribunal and directs the authority concerned to comply with the same within eight weeks, failing which the contemnors may be liable to face appropriate action under the Contempt of Courts Act.

Petitioner is directed to place a copy of this order, as also the order dated 02.03.2017 before the authority concerned to remind that a duty is cast upon said authority to do something, which has not been done.

Let a copy of this order be supplied to the learned counsel for the petitioner within 24 hrs. on payment of usual charges.

D.K.KOTIA
VICE CHAIRMAN (A)

JUSTICE U.C.DHYANI
CHAIRMAN