

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

Present: Hon'ble Mr. Justice U.C.Dhyani
----- Chairman

Hon'ble Mr. D.K.Kotia
-----Vice Chairman (A)

CONTEMPT PETITION NO. C-06/DB/2018

Sudhir Rana s/o Late Bhagat Singh Rana aged about 40 years, presently posted as Senior Assisntnt o/o Transport Commissioner, Kulhan, Sahastradhara Road, Dehradun.

.....Petitioner.

VS.

Ms. Sunita Singh, Additional Commissioner (Transport, Uttarakhand, Kulhan, Sahastradhara Road, Dehradun..

.....Respondent.

Present: Sri L.K.Maithani in brief of
Sri Shashank Pandey, Counsel for the petitioner.
Sri U.C.Dhaundiyal, A.P.O.,
for respondents.

JUDGMENT

DATED: SEPTEMBER 13, 2018

Justice U.C.Dhyani (Oral)

By means of present contempt petition, the petitioner/ applicant seeks to punish the respondent/ contemnor for willful disobedience of the judgment and order dated 23.04.2018, passed by this Tribunal in claim petition No. 54/DB/2016, Sudhir Rana vs. State and others.

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

“Claim petition is, accordingly, disposed of by directing petitioner to move a representation, narrating necessary facts, drawing the attention of party respondent on the applicability of Rule 18(5) of the Uttarakhand

Transport Clerical Cadre Service Rules, 2004 to the facts of petitioner's case, before the appointing authority (respondent No.3, in the instant case), along with a copy of this Order. Respondent No.3, thereafter, is directed to decide such representation of the petitioner, by a reasoned and speaking order, in accordance with law, at the earliest possible but not later than four weeks of presentation of certified copy of this order along with a copy of representation.

Needless to say that the decision so taken, shall be communicated to the petitioner soon thereafter.

It is made clear that we have not expressed any opinion on the merits of the case.”

3. Sri L.K.Maithani, who is present in brief of Ld.Counsel for the petitioner, submitted that despite service of order dated 23.04.2018 (along with his representation), upon the respondent, his representation has not been decided so far.
4. It is the submission of Sri L.K.Maithani, appearing on behalf of the petitioner that casual approach on the part of respondent should not be tolerated and strict action should be initiated against the alleged contemnor.
5. One of the objectives of contempt jurisdiction is the enforcement and compliance of the order of the Court.
6. This Tribunal, therefore, instead of issuing notice to the respondent, reiterates the order dated 23.04.2018, passed by this Tribunal, and directs the authority concerned to comply with the same within three weeks (from today), failing which, the contemnor may be liable to face appropriate action under the Contempt of Courts Act.
7. Petitioner is directed to place a copy of this order, as also the order dated 23.04.2018 before the authority concerned by 19.09.2018, to remind that a duty is cast upon said authority to do something, which has not been done.
8. The contempt petition is, accordingly, disposed of.

9. Let a copy of this order be supplied to the learned counsel for the petitioner today itself on payment of usual charges.

(D.K.KOTIA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: SEPTEMBER 13, 2018
DEHRADUN

VM