

Dated: 14.09.2018.

Present: Sri L.K.Maithani, Counsel for the petitioner.  
Sri U.C.Dhaundiyal, A.P.O.,for respondents.

Present contempt petition has been filed by the petitioner for the following relief:-

“It is, therefore, prayed that in the interest of justice this Hon’ble Court graciously be pleased to invoke the provisions of contempt of Court Act and the provisions of Section 5(a) of the Public Services Tribunal Act, 1976 and take appropriate action against the respondents to protect the dignity of law and to pass such order or direction which this Hon’ble Court deem fit and proper in the circumstances of the case for the effective compliance of order of Hon’ble Tribunal, otherwise the petitioner will suffer irreparable loss and injury, which cannot be compensated by any means.”

This Court, on 28.06.2018 disposed of the claim petition No. 25/DB/2016, Satish Kumar vs. State & others, as follows:

“7. Petitioner is, accordingly, directed to move fresh representation indicating therein that he is entitled to the benefit of G.O. dated 06.11.2013 (Annexure: A 16), before Respondent No.2, within two weeks. Respondent No.2, thereafter, is directed to decide such representation of the petitioner, strictly in the light of G.O. dated 06.11.2013, by a reasoned and speaking order, at an earliest possible, but not later than eight weeks of presentation of certified copy of this order, along with copy of representation, enclosing a copy of G.O. dated 06.11.2013.

8. The claim petition is, accordingly, disposed of. No order as to costs.”

Ld. Counsel for the petitioner admitted that the petitioner’s representation (Annexure:2) has been decided by the respondent No.2 within stipulated time, although the decision is not of petitioner’s liking. When the representation of the petitioner has been decided, there appears to be no question of proceeding with the contempt petition, for the petitioner, in such cases, will have to show that there is willful and deliberate disobedience of the order of the Court, which is lacking in the present case.

This Court, therefore, is not inclined to proceed with the contempt petition. The same is dismissed at the admission stage. Liberty is, however, granted to the petitioner to move fresh claim petition, in respect of the fresh cause of action, in accordance with law.

D.K. KOTIA  
VICE CHAIRMAN (A)

JUSTICE U.C.DHYANI  
CHAIRMAN

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