

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

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

----- Chairman

Hon'ble Mr. A.S.NAYAL

-----Member (A)

CONTEMPT PETITION NO. C-05/DB/18

Niyamat Ali Khan S/o Sri Salamat Ali , Nursery Development Officer (Retd.)
R/o- Saharanpur Road, Hurbertpur, Distt. Dehradun, Uttarakhand.

.....Petitioner

vs.

1. Sri R.C. Srivastav, Director, Horticulture & Food Processing Department, Udyan Bhawan, Chobatia, Ranikhet, Distt. Almora, Uttarakhand.
2. Sri S.K.Srivastav, District Horticulture Officer, Dehradun, Survey Chowk, Vikas Bhawan, Dehradun.
3. Sri N.N.Pandey, Director, Lekha & Haqdari, 23 Luxmi Road, Dalanwala, Dehradun.

...Respondents.

Present: Sri L.D.Dobhal, Counsel for the petitioner.

Sri U.C.Dhaundiyal & Sri V.P.Devrani, A.P.Os., for the Respondents.

JUDGMENT

DATED: JAUNARY 04,2019

Justice U.C.Dhyani(Oral)

In claim petition no. 05/SB/2017, this Tribunal directed, on 02.03.2017, as under:

“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.”

2. When the order was not complied with, the petitioner was compelled to file present contempt petition. It is the submission of Ld. A.P.Os. that the order sought to be enforced has been complied with. Ld. A.P.Os. also submitted that Sri R.C.Srivastava, Director, Horticulture, has already directed Chief Horticulture Officer, Dehradun, *vide* letter No.3129 Court Case(T)-18/2018-19 dated 01.01.2019 to comply with the order of the Court, a copy of which has been placed before this Tribunal to show that the interest on delayed payment of gratuity has already been sanctioned and formality of disbursing money is to be completed by Chief Horticulture Officer. In all likelihood, the same should be disbursed to the petitioner within a fortnight.

3. Since the order sought to be enforced has been complied with, therefore, we do not think we should continue with present contempt petition. The contempt petition is, accordingly, closed. Notices issued to the respondents are discharged. Liberty is, however, granted to the petitioner to make a mention, if the money is not disbursed in his favour within a fortnight.

(A.S.NAYAL)
MEMBER (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 04,2019
DEHRADUN