

**THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

CONTEMPT PETITION NO. C-10 /SB/2022

*(Arising out of judgment dated 01.10.2021, passed in
Claim Petition No.62/DB/2020 & order dated
29.03.2022 passed in Ex. Petition No. 09/DB/2022)*

1. Surya Prakash Singh aged about 28 years s/o Sh. Jai Prakash Singh.
2. Gopal Binwal aged about 40years, s/o Sh. L.D.Binwal.
3. Komal Prasad Upreti, aged about 40 years s/o Late Kripal Dutt Upreti.
4. Sanjay Kumar, aged about 39 years, s/o Late Dharamveer Singh.
5. Mohd. Naiam, aged about 36 years, s/o Mohd. Saeed.
6. Yogendra Kumar, aged about 29 years, s/o Sh. Ashok Kumar.
7. Khushbu Verman, aged about 27 years, d/o Sri Baleshwar Singh.
8. Babita, aged about 36 years, w/o Sri Devashish Chatterjee.
9. Rashmi, aged about 29 years d/o Sri Ramesh Kumar Bharti.
10. Kiran, aged about 30 years, d/o Sri Hukum Singh.

.....Petitioners/Applicants

vs.

1. Sri Surendra Narayan Pandey, Secretary, Finance, Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Sri Pankaj Tiwari, Director, Directorate, Treasury, Pension and Entitlement, Uttarakhand, 29 Laxmi Road, Dehradun, Uttarakhand.

.....Respondents/O.Ps.

Present: Sri L.K.Maithani, Advocate, for the petitioners/ applicants. (online)
Sri V.P.Devrani, A.P.O., in assistance of the Tribunal.

JUDGMENT

DATED: JULY 22, 2024

Justice U.C.Dhyani (Oral)

Ld. A.P.O. placed a copy of Govt. Order No. 223614/E 20936/2024 dated 09 July, 2024, issued by Finance Department of Govt. of Uttarakhand, to submit that the order passed in writ petition filed by the State against the judgment of the Tribunal has been complied with, therefore, the contempt petition may be closed for full satisfaction. Govt. Order thus filed is taken on record.

2. Present contempt petition was been filed for non-compliance of judgment dated 01.10.2021, passed in Claim Petition No. 62/DB/2020, operative portion of which reads as under:

“ 9. We observe from the above, that the respondents have tried to create a vague distinction between the Assistant Accountants/ Accountants working in the Treasuries and in the Directorate. The appointing authority being different is not a sufficient cause for treating them as two different groups. Technically, the appointing authority of Assistant Accountants/Accountants posted in each District Treasury is different being the Collector of that District, but they have been treated as one group only. Prior to the Rules of 2019, they were covered by the same Service Rules prescribing same pay scales for them. The same pay scales were stated for them in the advertisement issued by the Uttarakhand Subordinate Services Selection Commission and the petitioners and their counterparts selected for the District Treasuries were selected through the same selection process. Giving upgraded pay scales to the Assistant Accountants/Accountants of the District Treasuries and depriving the Assistant Accountants/Accountants posted in the Directorate from the same is unequal treatment to equals and against the principles of natural justice. Moreover, one Assistant Accountant, Sri Arjun Singh posted in Pay & Accounts Office, New Delhi whose appointing authority is Director, Treasury, Pension & Entitlement has been given upgraded pay scale in compliance of the provisions of G.Os. dated 15.02.2019 and 22.02.2019. Petitioners' case is exactly similar to his case and, therefore, they deserve the same benefit on the principles of equality.

10. Though, to upgrade pay scales of the Assistant Accountants/ Accountants of the Treasuries was compulsion of the Govt. based on its own mistake, which should not be extended to other departments, petitioners still deserve to be treated on an equal footing with the Assistant Accountants/Accountants recruited along with them for the Treasuries and cannot be discriminated on the basis of a vague distinction. Moreover, even this vague distinction has not been maintained by the respondents themselves in issuing letter No. 7053 dated 08.03.2019 to Cyber Treasury and Pay & Accounts Office, New Delhi in addition to all district treasuries asking them to ensure compliance of the provisions of G.Os. dated 15.02.2019 and 22.02.2019 and further in the case of upgradation of pay of Sri Arjun Singh as stated above. On the one hand, the respondents are treating petitioners as a different group on the ground that their appointing authority is Director, Treasury, Pension & Entitlements, while on the other hand, they are directing the Cyber Treasury and Pay & Accounts Office, New Delhi to ensure compliance of provisions of G.Os. dated 15.02.2019 and 22.02.2019 ignoring the fact that these offices are in the cadre structure of the

Directorate and the appointing authority of the Assistant Accountants and Accountants posted in these offices is Director, Treasury, Pension & Entitlement. The pay of Sri Arjun Singh, selected alongwith the petitioners in the cadre structure of the Directorate has been accordingly upgraded, while the petitioners are being denied this benefit. We therefore, quash the impugned order dated 03.06.2020 (Annexure: A1) and direct the respondents to grant upgraded pay scale Rs.9300-34800, grade pay of Rs. 4600/- to the petitioners since the date of their appointment on the post of Assistant Accountant as has been granted to the similarly situated Assistant Accountants of State/District Treasuries. The petitioners are not entitled to any other reliefs in the circumstances of the case.

11. The claim petition is, accordingly, disposed of.”

3. Thereafter, Execution Petition No. 09/DB/2022 was filed on behalf of the petitioners, which was disposed of by this Tribunal *vide* order dated 29.03.2022, as follows:

“4. Considering the facts of the case, this Tribunal directs the official respondent(s) concerned to comply with the order dated 01.10.2021, passed by this Tribunal in Claim Petition No. 62/DB/2020, Surya Prakash Singh and others vs. State & another, if the same has not been complied with so far, without further loss of time, failing which the concerned respondent(s) may be liable to face appropriate action under the relevant law governing the field.

5. Petitioners/ executioners are directed to place a copy of this order before the authority(ies) concerned by 10.04.2022, to remind that a duty is cast upon said authority(ies) to do something, which has not been done.

6. Execution application is, accordingly, disposed of at the admission stage.”

4. When orders of the Tribunal were not complied with, present contempt petition was filed on behalf of the petitioners of Claim Petition No. 62/DB/2020.

5. Hon’ble High Court has decided WPSB No. 63/ 2024, State of Uttarakhand and others vs. Sri Surya Prakash Singh and others, *vide* judgment dated 13.03.2024, operative portion of which reads as under:

“10. We have gone through the impugned judgment. Learned Tribunal has considered and discussed the relevant issues in detail and has arrived at the right conclusion that respondents are also entitled to pay parity with Assistant Accountants serving in the District Treasury. However, we modify the judgment rendered by learned Tribunal by providing that respondents would be entitled to benefit of upgraded pay scale only from the date of their filing claim petition before learned Tribunal and not from the date of their appointment, as directed by learned Tribunal.

11. The writ petition stands disposed of with the aforesaid modification.”

6. Govt. Order dated 09 July, 2024 has been filed to show that the order of the Tribunal, as modified by the Hon'ble High Court, has been complied with. Ld. A.P.O. submitted that nothing remains to be done by the State Govt., in so far as the compliance of the orders of the Tribunal and Hon'ble High Court are concerned.

7. 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]

8. Considering the above noted development in the matter, the Tribunal does not think it proper or expedient to initiate action against the respondents under the Contempt of Court Act.

9. The contempt petition is, accordingly, closed.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 22, 2024
DEHRADUN

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