

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

CONTEMPT PETITION NO. C-10 /SB/2025

*(Arising out of judgment dated 16.01.2024/23.10.2024,
passed in Claim petition No. 154/SB/2023 and connected
claim petition No. 152/SB/2023)*

Ujjawal Bljalwan, s/o Late Sri Deepak Lal Bljalwan, r/o Lane No. 7-B, New
Colony, Monal Enclave, Chandchak Road, Banjarawala, Dehradun.

.....Petitioner/applicant

vs.

1. Sri Ravinath Raman, IAS, Secretary (Education) Government of Uttarakhand,
Secretariat, Subhash Road, Dehradun.
2. Sri Ajay Kumar Nodiyal, Director (Elementary Education), Nanoorkheda,
Dehradun.
3. Sri Amit Kotiyal, Chief Education Officer, District- Uttarkashi.

.....Respondents/ O.Ps.

Present: Sri Uttam Singh, Advocate, for the petitioner/applicant..
Sri V.P. Devrani, A.P.O. in assistance of the Tribunal.

JUDGMENT

DATED: JUNE 02, 2025

Justice U.C.Dhyani (Oral)

Present contempt petition has been filed by the petitioner/applicant against the respondents (alleged contemnors), along with affidavit, for non-compliance of Tribunal's order dated 16.01.2024/23.10.2024, passed in Claim Petition No. 154/SB/2023 Smt. Kameshwari Devi and others vs. State of Uttarakhand and others with

connected Claim Petition No.152/SB/2023, Smt. Shakuntla Devi and others vs. State of Uttarakhand and others.

2. Ld. Counsel for the petitioner/applicant pointed out that Sri Ajay Kumar Nodiyal, Director, Primary Education, Uttarakhand has issued a letter to District Education Officer, Primary Education, Uttarkashi (Respondent No.3) for obtaining succession certificate from the petitioners and dispose of the matter in the light of the Uttarakhand Retirement Benefit Act, 2018, which is against the spirit of Tribunal's order dated 16.01.2024/23.10.2024.

3. Rule 50 of the Uttar Pradesh Public Services (Tribunal) Rules, 1992, reads as under:

“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]

4. The words ‘Civil Contempt’ has been defined in Section 2 (b) of the Contempt of Court’s Act, 1971, as follows:

“2(b) "civil contempt" means willful disobedience to any judgment, decree, direction, order, writ or other process of a court or willful breach of an undertaking given to a court;”

[Emphasis supplied]

5. Ld. A.P.O., while assisting the Tribunal, submitted that no contempt is made out against the respondents, inasmuch as there is no material on record to show that there is willful disobedience on the part of Respondent No.2. The petitioner should file appropriate application before the authority concerned to clarify his stand. In reply, Ld. Counsel for the petitioner submitted that petitioner will move application before Respondent No.2, for redressal of his grievance. Ld. Counsel for the petitioner/applicant further submitted that the contempt petition may be closed after giving such liberty.

6. Considering the submissions of Ld. Counsel for the parties, as noted above, the Tribunal does not think it expedient or proper to initiate action against the authority concerned at this stage.

7. The contempt petition is closed, at the admission stage, with liberty to the petitioner to file appropriate application before the authority concerned, for redressal of his grievance, as per law.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JUNE 02, 2025
DEHRADUN

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