

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

CONTEMPT PETITION NO. C-17 /SB/2025

*(Arising out of judgment dated 04.01.2023 passed in
claim petition No. 02/SB/2023 and order dated
18.03.2023 passed in Execution Application No.
04/DB/2023)*

Dr. Jagdish Chandra Bahuguna, s/o Late Sri Moti Ram Bahuguna, aged about 66 years, Ex- Homeopathic Medical Officer (Grade-II), r/o 131 Prakash Vihar, Lane No. 7, Dharampur, Dehradun.

.....Petitioner/applicant

vs.

Smt. Namami Bansal, IAS, Municipal Commissioner, Dehradun, Municipal Corporation.

.....Respondent/ O.P.

Present: Sri Uttam Singh, Advocate, for the petitioner/applicant.
Sri V.P. Devrani, A.P.O. in assistance of the Tribunal.
Sri Aman Rab (online) & Sri Deepak Dobhal, Advocates,
for Nagar Nigam, Dehradun.

JUDGMENT

DATED: AUGUST 18, 2025

Justice U.C.Dhyani (Oral)

Sequence of events leading to the filing of present contempt petition is as under:

- (i) The Tribunal vide judgment dated 04.01.2023, passed in Claim Petition No. 02/SB/2023, observed that:

“Without prejudice to rival contentions, the claim petition is disposed of at the admission stage, by directing the respondent department to decide the representation dated 02.10.2022 (Annexure: A-1) of the petitioner, by a reasoned and speaking order, in accordance with law, without unreasonable delay, on presentation of certified copy of this order along with fresh representation enclosing the documents in support thereof. Whenever such representation is decided, it will be the responsibility of the respondent department to communicate the same to the petitioner.”

(ii) When the respondent failed to comply with the order of the Tribunal dated 04.01.2023, petitioner filed execution application No. 04/DB/2023, on which Tribunal passed an order dated 18.03.2023, as follows:

“3.It is the submission of Ld. Counsel for the petitioner that in compliance of the directions given by the Hon'ble Tribunal, the petitioner submitted representation dated 11-01-2023 to the respondent No.2 and vide representation dated 13-1-2023 to the respondent No 1, 3 but the same has not been decided. It is submission the of the learned counsel for petitioner/executioner that casual approach on the part of opposite parties/respondents should not be tolerated and strict action should be initiated against them.

4. This Tribunal, therefore, instead of issuing notices to the respondents, reiterates the order dated 4.1.2023, passed by this Tribunal and requests the authorities concerned to comply with the same without further delay, to avoid further legal complications.

5. Petitioner-executioner is directed to send copies of this order, as also the order dated 4-1-2023, to the authorities concerned, within a period of two weeks, to remind them that a duty was cast upon them to do something, which has not been done. The same should be done now, at an earliest possible, without unreasonable delay, preferably within five weeks of receipt of copies of the orders.

6. The execution petition is, accordingly, disposed of at the admission stage. No order as to costs.”

(iii) The Respondents *vide* order dated 18.05.2023 passed an order that the petitioner is entitled to ACP in accordance with law, on completion of requisite years of service. The respondent has admitted that the petitioner is entitled ACP benefit but it has not been sanctioned so far as such the petitioner filed Claim Petition No. 114/DB/2023 before the Tribunal to grant ACP Benefit.

(iv). The Tribunal *vide* order dated 14.08.2023 directed the respondent to take decision on the admissibility of 1st and 2nd ACP to the petitioner without unreasonable delay, preferably within eight weeks, of receipt of such information(from the Nagar Nigam). Certified copy of the order dated 14-8-

2023 was provided to the respondent on court 29/8/2023. But order of the Tribunal was not complied with by the Respondents.

(v). Petitioner filed a contempt petition No. 17/SB/2024, Dr Jagdish Bahuguna vs. Sri Nitesh Jha, IAS and others. The Tribunal *vide* order dated 31.12.2024 closed contempt petition on the ground that the Nagar Nigam has sent requisite information to the Govt.

(vi). The petitioner submitted copy of the order along with application on dated 6.1.2025, that the respondent No.1 *vide* order dated 13.1.2025 granted 2nd ACP to the petitioner *w.e.f.* 29.8.2013 and the respondent/Directorate *vide* letter dated 1.3.2025 directed the respondent/Nagar Nigam to fix the pay of the petitioner.

(vii). According to the petitioner, the respondent No.3/Nagar Nigam, Dehradun has to take further action to refix the pay, draw arrear during the service period and revise the pension/pay the arrear of pension. The petitioner personally approached many times to the officers of the Nagar Nigam but no action so far has been taken by them. The petitioner, during the period has also filed RTI on action taken on the order/letter dated 13.1.2025 & 1.3.2025, but received evasive reply.

(viii). The Tribunal *vide* order dated 31.12.2024 gave liberty to the petitioner to restore the contempt petition. In the previous contempt petition, Sri Gaurav Kumar, IAS, Dehradun Nagar Nigam was one of the contemnor who has been transferred and Smt. Namami Bansal, IAS has taken over the Charge of the Dehradun Nagar Nigam.

2. It is the submission of Sri Uttam Singh, Ld. Counsel for the petitioner that judgment and order dated 14.08.2023 has not been complied with by the respondent/ Nagar Nigam, therefore, appropriate action under Contempt of Courts Act be initiated against respondent.

3. On 31.12.2024, the Tribunal passed the following order:

“Compliance affidavit has been filed by Sh.Gaurav Kumar, Municipal Commissioner, Nagam Nigam, Dehradun, presently posted Additional Secretary, Urban Development Department Uttarakhand to submit that the office of the

Urban Development Section 1 has made the endorsement on 20-12-2024 that the service book of the petitioner is already there (Para 6, Annexure A-3).

2. The Tribunal finds that there is an endorsement by the Dealing Assistant on 2012-2024 that they have received service book of Dr Jagdish Chandra Bahuguna on the self same date.

3. Compliance Affidavit on behalf of Nagar Nigam (respondent No.3) is thus taken on record.

4. Now it is for the Urban Development Department, Govt of Uttarakhand to take the decision on the admissibility of 1st and 2nd ACP to the petitioner.

5 Vide order dated 14-08-2023, it was directed in Para 7 That "when the requisite information is sent by the Nagar Nigam to the Govt, the competent authority in Govt is requested to take decision on admissibility of 1st and 2nd ACP to the petitioner without unreasonable delay preferably within 8 weeks of receipt of such information from the Naagar Nigam".

6 Now the requisite information has been sent by the Nagar Nigam to the Govt, the competent authority in the Govt is requested to take decision as expeditiously as possible, under intimation to the petitioner.

7 Petitioner is directed to serve a copy of this order in the office of Secretary, Urban Development, Govt. of Uttarakhand, Secretariat with supporting documents within a week.

8. Contempt Petition is closed, leaving it open to the petitioner to make a mention, if the order is not complied within stipulated time or by 3/3/2025, whichever is latter."

4. In Misc. Restoration Application No. 03/2025, the Tribunal passed an order on 23.06.2025, as follows:

"Sri Uttam Singh, learned Counsel for the petitioner-applicant drew the attention of the Bench towards order dated 31.12.2024 (Annexure No. 1), letter dated 06.01.2025 (Annexure No. 2) and O.M. dated 27.01.2025 (Annexure No. 3 colly) issued by the Govt. in Urban Development Department. He submitted that despite order of the Govt., respondent no. 3 has not complied with the same.

Sri Shobhit Joshi, who is present online submitted that he had filed vakalatnama on behalf of Sri Gaurav Kumar, the then Municipal Commissioner, Nagar Nigam, Dehradun and he is not representing present incumbent.

Issue notice to the sole respondent to show cause through Counsel why order dated 27.01.2025 (Annexure No. 3 colly) issued by the Govt. in Urban Development Department has not been complied with so far. The same be complied with and the compliance affidavit be filed in the Tribunal on or before 18.08.2025. Steps be taken by the applicant within a week.

List on 18.08.2025 for further orders."

5. **Sri Bharat Chandra, Senior Finance Officer, Nagar Nigam, Dehradun and Sri Deepak Dobhal, Advocate, Nagam Nigam Dehradun, are present in the Tribunal. They have placed a handwritten letter of Dr. Jagdish**

Chandra Bahuguna, petitioner/applicant, which (letter) has been addressed to Sr. Finance Officer, Nagar Nigam, Dehradun. It says that:

Today, on 14.08.2025, received a Cheque No. 72003529 of Rs.2,50,345/-. I am fully satisfied with the action taken by the Finance Officer.

6. In view of the facts, which have been mentioned above, the Tribunal does not think it expedient or proper to initiate action against the alleged contemnor.

7. The contempt petition is, accordingly, closed, leaving it open to the petitioner/ applicant to seek and pursue appropriate remedy in respect of his revised pension

8. Notice to the sole respondent is discharged.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 18, 2025
DEHRADUN

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