BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL AT DEHRADUN

CONTEMPT PETITION NO. C-13 /SB/2025

(*Arising out of judgment dated 14,.02.2024, passed in Claim petition No. 13/SB/2024 & judgment dated 01.10.2024 passed in Execution Petition No. 26/SB/2024*)

Rakesh Semwal, s/o Sri Medhani Dhar Semwal, aged about 54 years, Serving as Officer on Special Duty, Shri Badri Kedar Temple Committee, r/o Miyanwala, Dehradun.

……Petitioner/applicant

vs.

1. Sri Dheeraj Singh Garbiyal, IAS, Secretary (Tourism) Government of Uttarakhand, Secretariat, Dehradun.
2. Sri Hemant Dwivedi, Chairman, Shri Badri Kedar Temple Committee, Canal Road, Dehradun.
3. Sri Vijay Prasad Thapliyal, Chief Executive Officer, Shri Badri Kedar Temple Committee, Canal Road, Dehradun.

..….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: AUGUST 01, 2025

Justice U.C.Dhyani (Oral)

Present contempt petition has been filed by the petitioner/applicant with the prayer to punish the O.Ps. (alleged contemnors)

for committing willful and deliberate disobedience of judgment and orders dated 14.02.2024 and 01.10.2024 of the Tribunal.

2. Contempt petition is supported with the affidavit of the petitioner/applicant. Copies of order of the Tribunal dated 14.02.2024, passed in Claim Petition No. 13/SB/2024 and order dated 01.10.2024, passed in Execution petition No. 26/SB/2024, have been brought on record as Annexure :A- 1 and Annexure: A-3 to the contempt petition.

3. The petitioner/ applicant also sent a reminder to the Secretary, Religious Endowment, for deciding his appeal, on 19.09.2024, with a copy to the Chairman, Shri Badri Kedar Temple Committee, Dehradun.

4. It is the submission of Ld. Counsel for the petitioner/applicant that no decision has been taken by the appellate authority on the department appeal of the petitioner. Sufficient time has elapsed since then.

5. In response to the query of the Tribunal ,Sri Uttam Singh, Ld. Counsel for the petitioner/applicant submitted that Sri Dheeraj Singh Garbiyal, IAS, Secretary, had called the petitioner for hearing on a date. He, however, submitted that Sri Dheeraj Singh Garbiyal was not the Secretary, Tourism earlier. some other officer was posted there. Before that also, someone else was occupying the said post.

6. 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."
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> *[Emphasis supplied]*

7. Present one does not appear to be the case of willful and deliberate disobedience of Tribunal's order, at this stage.

8. 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. The Tribunal, however, deems it fit to remind the Opposite Party No.1 (alleged contemnor) that a duty was cast upon him to do something, which has not been done. The same may be done without further loss of time, as per law.

9. The contempt petition thus stands disposed of, at the admission stage.

(**ARUN SINGH RAWAT)**
VICE CHAIRMAN (A)
(virtual)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 01, 2025
DEHRADUN

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