

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

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

Hon'ble Mr. Arun Singh Rawat
-----Vice Chairman (A)

CONTEMPT PETITION NO. C-17/DB/2025

*(Arising out of judgment dated 01.03.2024,
passed in Claim petition No. 15/SB/2024 and order dated
08.10.2024 passed in execution petition No. 27/SB/2024)*

Sri Dhirendra Singh Rawat, Office Superintendent (Retd.), s/o Sri Khushal Singh Rawat r/o Bhadraklali Enclave, Phase-1, Gali-6, Upper Tunwala, Dehradun, and others.

.....Petitioners

vs.

Sri Sandeep Singhal, presently posted as Managing Director, Uttarakhand Jal Vidyut Nigam Limited, Maharani Bagh, GMS Road, Dehradun.

.....Respondent/O.P.

Present: Sri B.D.Pande, Sri Ravi Joshi and Sri Gaurav Kandpal, Advocates,
for the petitioners/applicants.(online)
Sri V.P.Devrani, A.P.O., in assistance of the Tribunal.
Dr. N.K.Pant, Advocate for UJVNL.(online)

JUDGMENT

DATED: DECEMBER 19, 2025.

Justice U.C. Dhyani (Oral)

Present contempt petition has been filed by the petitioners/applicants with the following prayer:

"To summon and punish the opposite party for deliberate and intentional non-compliance of the order dated 01.03.2024 passed

in Claim Petition No. 15/SB/2024, subsequently reiterated in Execution Petition No. 27/SB/2024."

2. Contempt petition is supported by the affidavit of the Sri Dhirendra Singh Rawat, petitioner/applicant No.1. Relevant documents have been filed along with the contempt petition.
3. It will be useful to reproduce the relevant paragraphs of decision dated 01.03.2024, passed by the Tribunal in Claim Petition No. 15/SB/2024, as under:

"2. In response to the query of the Tribunal, as to why petitioners require similar relief at such a belated stage, Ld. Counsel for the petitioners replied that the petitioners of present claim petition could not join the petitioners of claim petition no. 37/SB/2022 at that point of time and party respondent UJVNL is not giving benefit of the judgment dated 27.09.2023, passed in claim petition no. 37/SB/2022, Ashok Kumar Joshi and others vs. State of Uttarakhand and others to the petitioners, therefore, they were compelled to file present claim petition for the selfsame relief which was given by the Tribunal on 27.09.2023 to the petitioners of claim petition no. 37/SB/2022.

3. Dr. N.K.Pant, Ld. Counsel for Respondents No. 2 & 3, submitted that similar order may kindly be passed by the Tribunal, to dispose of the claim petition, at the admission stage, if respondent/ UJVNL finds the case of present petitioners identical to the case of petitioners of claim petition no. 37/SB/2022.

4. It is cardinal principle of law that similar cases should be decided alike. If, case of present petitioners is in parity with the case of petitioners of claim petition no. 37/SB/2022, then, every petitioner of present claim petition may be given opportunity by the respondents, either to opt for pay fixation with MACP according to the G.Os. dated 25.09.2017 and 22.12.2017 or opt for ACP and pay fixation according to G.O. dated 06.01.2022 and Uttarakhand Jal Vidyut Nigam's Office Memorandum dated 15.03.2022.

5. The Tribunal directs that such option may be sought from every petitioner (of present claim petition), within 12 weeks of presentation of certified copy of this order and decision on fixation of pay and applicability of MACP or ACP to the petitioners may be taken accordingly.

6....."

4. When nothing was done by the Respondents, petitioners filed Execution Petition, which was numbered as Execution Petition No. 27/SB/2024, Dhirendra Singh Rawat and others vs. State of Uttarakhand and others. The execution petition was disposed of by the Tribunal *vide* order dated 08.10.2024. Relevant paragraphs of such decision read as under:

"2. Dr. N.K.Pant, Ld. Counsel for Respondents No. 2 & 3 submitted that if the judgment rendered by the Tribunal on 27.09.2023 in Claim

Petition No.37/SB/2022, Ashok Kumar Johi & others vs. State of Uttarakhand & others and judgment dated 01.03.2024 passed in Claim Petition No. 15/SB/2024, Dhirendra Singh Rawat vs. State of Uttarakhand & others are implemented, the same will cause hardship to the petitioners. He further submitted that the benefit of the order of the Tribunal can be given only to 39 employees of the Respondent Corporation, but not to Sri Ashok Kumar Joshi and Sri Dhirendra Singh Rawat. If such orders are implemented, the same will create anomaly in pay fixation. Moreover, the same will not be useful and beneficial to Sri Ashok Kumar Joshi and Sri Dhirendra Singh Rawat, who have since retired.

3. In reply, Sri L.K.Maithani, Ld. Counsel for the petitioners/applicants submitted that all the petitioners of Claim Petition No. 15/SB/2024 have since retired, implementation of order of the Tribunal dated 01.03.2024 passed in Claim Petition No. 15/SB/2024 will not cause any problem to them. The Tribunal has been informed that order dated 27.09.2023 passed in Claim Petition No.37/SB/2022, Ashok Kumar Johi & others vs. State of Uttarakhand & others has attained finality, inasmuch as the respondents have not challenged the same before the Hon'ble High Court.

4. Review applications for reviewing the order dated 27.09.2023 passed in Claim Petition No.37/SB/2022, Ashok Kumar Johi & others and order dated 01.03.2024 passed in Claim Petition No. 15/SB/2024 Dhirendra Singh Rawat & others have also been dismissed today, inasmuch as there is no error apparent on the face of record or any clerical/ arithmetical mistake or for any other sufficient reason.

5. Keeping in view the facts noted above, the Tribunal reiterates its order passed in Claim Petition No. 15/SB/2024 Dhirendra Singh Rawat & others vs. State of Uttarakhand & others on 01.03.2024, with a direction to the Respondent Corporation to implement the same as expeditiously as possible and without unreasonable delay.

6."

5. On 21.11.2025, Dr. N.K.Pant, Ld. Counsel for UJVNL, filed compliance affidavit, copy of which was received by Ld. Counsel for the petitioners/applicants, who sought time to file reply to the same. But, so far no objections have been filed against the same.

6. The Tribunal has been taken through the contents of compliance affidavit/ response affidavit, filed on behalf of respondents.

7. Technically, the order of the Tribunal has been complied with. It is a different matter that the same does not find favour with the petitioners/applicants. It is not open for the Tribunal to see, in the contempt petition, that while complying with the order of the Tribunal, whether correct order has been passed by the respondents, or not. Correctness of the order is not be seen. The Tribunal can not go into

the legality, or otherwise of the office order which has been passed in compliance of the order of the Tribunal.

8. The only course, which is open to the petitioners, is to challenge the Office Memorandum dated 10.02.2025 by means of a fresh claim petition.

9. Ld. Counsel for the petitioners seek and are granted liberty to file fresh claim petition, challenging the impugned order dated 10.02.2025, in accordance with law.

10. Contempt petition is accordingly, closed.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

*DATE: DECEMBER 19, 2025
DEHRADUN*

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