

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

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CONTEMPT PETITION NO. C-19/DB/2025

*(Arising out of judgment dated 15.05.2023,
passed in Claim petition No. 108/DB/2019 and order dated
27.05.2024 passed in contempt petition No. C-
11/SB/2024)*

1. Swaraj Singh s/o Shri Sunehra Singh aged about 42 years r/o N- 124, Shiwalik Nagar, BHEL Haridwar, District Haridwar presently posted as Workshop Instructor Government Polytechnic Quanshi Chakrata, Dehradun, District Dehradun.
2. Dinesh Kumar Sharma s/o Late Anand Prakash Sharma aged about 49 years r/o Hanuman Gari, Kankhal, Haridwar, District Haridwar presently posted as Workshop Instructor Government Polytechnic Narendranagar, Tehri Garhwal, District Tehri Garhwal.
3. Manoj Joshi s/o Shri Liladhar Joshi aged about 2 years r/o M-6 Shivlok Colony Ranipur, Haridwar, District Haridwar presently posted as Workshop Instructor Government Polytechnic Srinagar, Pauri Garhwal, District Pauri Garhwal.
4. Kaviraj s/o Late Shri Atama Ram aged about 43 years r/o Village Dharmochak, Post Doiwala, Dehradun, District Dehradun presently posted as Workshop Instructor Government Polytechnic Garhi Shyampur, Rishikesh Dehradun, District Dehradun.
5. Dinesh Joshi s/o Shri Satyaprasad Joshi aged about 45 years r/o 38- B Block Pragatinagar, Race Course, Dehradun presently posted as Workshop Instructor Government Polytechnic Narendranagar, Tehri Garhwal, District: Tehri Garhwal.

.....Petitioners/applicants

vs.

1. Sri Dilip Javalkar, Secretary Finance, Government of Uttarakhand, Civil Secretariat, Dehradun.
2. Sri Ravinath Raman, Secretary Technical Education, Government of Uttarakhand, Civil Secretariat, Dehradun.

3. Sri R.P.Gupta, Director, Technical Education, Uttarakhand, Srinagar, Pauri Garhwal.

.....Respondents/O.Ps.

Present: Sri Shashank Pandey, Advocate, for the petitioners/ applicants.
Sri V.P.Devrani, A.P.O., in assistance of the Tribunal.
No notices were issued to the alleged contemnors/ O.Ps.

JUDGMENT

DATED: MAY 30, 2026.

Sri Arun Singh Rawat, Vice Chairman (A)

Present contempt petition has been filed on behalf of the petitioners/applicants against alleged contemnors/ opposite parties, to summon them and punish for deliberately and blatantly flouting the judgment and order dated 15.05.2023 passed by this Hon'ble Court in Claim Petition no, 108/DB/2019, Swaraj Singh & Ors. Vs. State of Uttarakhand & Ors & Order dated 27.05.2024 passed in Contempt petition no. C-11/SB/2024 (Swaraj Singh & Ors. Vs. Shri Dileep Jawalkar & Ors.), so that it may act as a deterrent precedent for the other erring officials, failing which the petitioner will suffer irreparably, or may be pleased to pass such further orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.

2. Claim Petition no, 108/DB/2019 was decided by the Tribunal vide judgment and order dated 15.05.2023. It will be useful to reproduce the relevant paragraphs of the judgment dated 15.05.2023, as under:

“2. The case of the petitioners in brief is that (i) the posts of junior engineers of Govt. departments (ii) workshop instructors of ITI (iii) workshop instructors of polytechnics had the same necessary qualification while for the post of workshop instructors of polytechnics, additional 3 years of work experience was necessary. In the 3rd and 4th pay commission, the pay scales of the workshop instructors of Govt. polytechnics were higher than the pay scales of junior engineers of Govt. departments and workshop instructors of ITI. In the 5th pay commission, the pay scales of junior engineers of Govt. departments were revised to Rs. 4500-7000/- while the pay scales of

workshop instructors of polytechnics and workshop instructors of ITIs were revised to Rs. 5000-8000/-. Later, on 11.02.2003, the pay scales of junior engineers in Govt. departments were also upgraded to Rs. 5000-8000/-. The scale of Rs. 5000-8000/- was revised to Rs. 9300-34800/-, grade pay Rs. 4200/- for the above three posts. However, pay scale of junior engineers of Govt. departments was upgraded to Rs. 9300-34800, grade pay Rs. 4600/- notionally from 01.01.2009 and actually from 01.03.2013 while the pay scale of workshop instructors of polytechnics was upgraded to Rs. 9300-34800, grade pay Rs. 4600/- vide G.O. dated 31.01.2018 with immediate effect.

2.1 The demand of the workshop instructors of polytechnics is that the 6th commission pay scale of Rs. 9300-34800/-, grade pay Rs. 4600/- be made effective for them, notionally from 01.01.2009 and actually from 01.03.2013 as has been done in the case of junior engineers of Govt. departments.

6. The above affidavits imply that the upgraded grade pay of Rs. 4600/- cannot be given to the workshop instructors of Govt. polytechnics notionally from 01.01.2009 and actually from 01.03.2013 because ordinarily all the G.O.s regarding revision of pay scale are issued with immediate effect. It is further stated that in case, the pay scale of junior employee becomes higher than the pay scales of senior employee, then there is provision in part 2 to 4 of Vol. 2 of Financial Handbook to increase the pay scale of the senior employee so that the pay scale of both the employees becomes equivalent. However, if on a certain given date, the pay of senior employee becomes equal to the pay of junior employee, then there is no provision of increasing the pay of the senior employee on the basis of his seniority. It is also stated that the pay scale of the junior engineers of Govt. departments has been upgraded as the pay scale of the feeding cadre post i.e. *Manchitrakar* became equivalent to the pay scale of promotional post i.e. junior engineer; moreover, 75 % posts of junior engineer were created in the name of Addl. Assistant Engineer in the pay scale of 9300-34800, grade pay Rs. 4800/-, which again led to an anomaly.

7. The Tribunal observes that the reasons as stated in para 6 above were not compelling circumstances for the Govt. to increase the pay scale of junior engineers of Govt. departments from grade pay Rs. 4200/- to Rs. 4600/- and for this increase having made notional from 01.01.2009 and actually from 01.03.2013. This has been according to the will of the Govt. and as per the decisions taken in various meeting with the office bearers of Diploma Engineers Mahasangh. The Govt. at that time did not consider that granting this enhanced pay scale notionally from 01.01.2009 and actually from 01.03.2013 would cause similar demands to be made by other similarly placed persons or that Govt. Orders regarding upgradation or amendment of pay scale are issued with immediate effect only. Therefore, these arguments cannot hold ground in the case of petitioners.

8. Further contention of the respondents is that the service rules of the junior engineers and workshop instructors of Govt. departments and workshop instructors of ITI are different and no parity can be claimed between unequal cadres. The Tribunal notes that the service rules being different is not an issue as the 6th pay commission grade pay of the workshop instructors of the polytechnics has already been enhanced to Rs. 4600/-. The issue before this Tribunal is whether this enhancement of grade pay of workshop instructors of polytechnics should be done notionally from 01.01.2009 and actually from 01.03.2013.

9. The respondents have also taken the plea that the petitioners were not appointed on 01.01.2009 as such the question of granting the upgraded grade pay of Rs. 4600/- w.e.f. 01.01.2009 to them does not arise. Learned Counsel for the petitioners contended that the justification is of granting notional pay for the post and not for the person. Therefore, the petitioners are entitled to

upgraded grade pay of Rs. 4600/- from the dates of joining the service which are in subsequent months of 2009 and actually from 01.03.2013 as has been done for the junior engineers of the Govt. departments.

10. We have perused the copies of the note-sheets of the Govt. file annexed along with supplementary affidavit of respondent no. 2 and according to the same, the grade pay of workshop instructors of Govt. polytechnics has been upgraded to Rs. 4600/- keeping in view the recommendation of the pay committee and acceptance of the same by the Finance Department and accordingly the G.O. dated 31.01.2018 has been issued vide which the enhanced grade pay of Rs. 4600/- has been given to workshop instructors of Govt. polytechnics with immediate effect. The further notings are about the demand for granting the upgraded grade pay notionally w.e.f. 01.01.2009 and actually w.e.f. 01.03.2013, which state that similar demands can be raised by other Govt. departments which will lead to excessive financial burden on the State and there is no opportunity for accepting such request in view of the limited financial resources of the State; the benefit of 7th pay commission pay scales have been granted and unless some anomaly comes to light with the upgraded pay scales of 5th and 6th pay commission, they cannot be considered to be made effective from back date. Accordingly, the representation of the petitioners was rejected vide G.O. dated 12.10.2018 (copy Annexure: A2). After the order of this Tribunal dated 06.02.2019 passed in claim petition no. 22/DB/2019, the petitioner no. 1 again gave a representation, which has been rejected vide Office Memorandum dated 07.05.2019 (copy Annexure: A1).

12. The Tribunal observes that while granting enhanced grade pay of Rs. 4600/- to junior engineers of Govt. departments notionally from 01.01.2009 and actually from 01.03.2013, the issue of limited financial resources of the State and burden thereon, and the fact that normally the grade pays are given with immediate effect and not from back date were not considered by the Govt. The Tribunal further observes that in the 3rd, 4th and 5th pay commission, the pay scale of the workshop instructors of Govt. polytechnics was more than the pay scale of the junior engineers of Govt. departments and it was only in 2003 that the pay scale of junior engineers of Govt. departments was made equal to the pay scale of workshop instructors of Govt. polytechnics. Therefore, on the basis of equality, the petitioners are entitled to be considered to be granted the upgraded grade pay Rs. 4600/- notionally from their date of joining the services in 2009 and actually from 01.03.2013 in parity with the junior engineers of the Govt. departments.

16. In view of the above, the Tribunal directs that the respondents shall consider the case of the petitioners for granting them grade pay of Rs. 4600/- since their dates of joining in 2009 notionally and actually from 01.03.2013 as has been done for the junior engineers of Govt. departments. Accordingly, the Office Memorandum dated 07.05.2019 (copy Annexure: A1) and G.O. dated 12.05.2018 (copy Annexure: A2) are hereby set aside. The petitioners shall make a fresh representation to the respondents with the certified copy of this order within a period of two weeks, on which respondents will take suitable decision by passing a reasoned and speaking order in consonance with the observations made in this order of the Tribunal within a period of three months thereafter.”

3. Respondents vide order dated 02.04.2024 decided the representation of the petitioner and others, in accordance with the judgment dated 15.05.2023 passed by the Tribunal.

4. Ld. Counsel for the petitioners preferred Contempt Petition No. C-11/SB/2024 before the Tribunal, raising the grievance that

respondents/ opposite parties, by passing order dated 02.04.2024 have flouted the observations of the Tribunal, as contained in para 16 of the decision dated 15.05.2023 passed in Claim Petition No. 108/DB/2019, Swaraj Singh & others vs. State of Uttarakhand & others.

5. The Tribunal, instead of issuing notices to the opposite parties or calling upon them to file their replies, vide order dated 27.05.2024, passed in contempt Petition No. C-11/SB/2024, directed them to comply with the observations and directions contained in the judgment/order dated 15.05.2023, if the same had not already been complied with. The Tribunal observed that one of the objectives of contempt proceedings is to secure and enforce compliance with the orders of the Court. Therefore, the Tribunal considered it appropriate to grant an opportunity to the opposite parties to reconsider the judgment of the Tribunal in its correct perspective, if the same had not been properly considered so far.

6. Consequently, petitioners/ applicants filed present contempt petition before the Tribunal on 03.11.2025, being Contempt Petition No. C-19/DB/2025, raising their grievance that the petitioners, as per the order of the Tribunal dated 27.05.2024, made another representation dated 25.06.2024 and 04.07.2024 to both the Government as well as Directorate. However, the said representations were rejected by the respondents vide order dated 07.01.2025, assigning reasons which, according to them, had already been considered and set aside by this Tribunal.

7. The Tribunal on 20.11.2025 passed the following order:

“Today, Sri V.P.Devrani, Ld. A.P.O. has placed a copy of O.M. dated 03.01.2025 (covering letter dated 07.01.2025), to submit that the order of the Tribunal has been complied with. It is surprising to note that the O.M. dated 03.01.2025 is being placed before the Tribunal on 20.11.2025, *i.e.* after more than ten months of issuance of the order.

Claim Petition No. 108/DB/2019 was decided by the Tribunal on 15.05.2023. As per the directions of the Bench, petitioners filed a representation on 28.07.2023. The Tribunal is not aware when the same was decided.

Contempt Petition No. C-11/SB/2024 was disposed of by the Tribunal on 27.05.2024. The Tribunal is not aware what action has been taken by the respondents on Para 11 of the decision dated 27.05.2024.

Today, as stated above, a copy of letter dated 03.01.2025 (covering letter dated 07.01.2025) has been placed before the Bench. The Tribunal is unable to find out which representations of the petitioners have been disposed of *vide* O.M. dated 03.01.2025.

Respondent department is directed to show, with affidavit, how the orders of the Tribunal have been complied with by the authority concerned. Affidavit shall state in a chronological order: which representation was decided by which order of the department and which representation was filed in pursuance of which order of the Tribunal. When was copy of O.M. dated 03.01.2025 (covering letter dated 07.01.2025) was served upon the petitioners. The same may be done within six weeks.

List after six weeks on 08.01.2026 for further orders.

Let a copy of this order be supplied to Ld. A.P.O. for onward submission to the respondent department.”

8. In compliance of the above order of the Tribunal, Ld. A.P.O., who is assisting the Tribunal in the matter, filed compliance affidavit on 08.01.2026. But Ld. Counsel for the petitioners/applicants submitted that compliance of Tribunal's order still has not been made.

9. In the aforesaid circumstances, the Tribunal, *vide* order dated 17.03.2026, issued notices to Respondent Nos. 1, 2 and 3, calling upon them to show cause as to why proceedings under the Contempt of Courts Act should not be initiated against them for non-compliance of the order dated 15.05.2023 passed in Claim Petition No. 108/DB/2019, followed by the reminder order dated 27.05.2024 passed in Contempt Petition No. C-11/SB/2024.

10. In compliance of Tribunal's order dated 17.03.2026, Respondents No. 1, 2 & 3 have filed separate Counter Affidavits on 28.04.2026. The Tribunal has gone through the contents of compliance affidavit/ response affidavit, filed on behalf of respondents.

11. It would be apposite to note that, the petitioners had filed Claim Petition No. 108/210/299, *Swaraj Singh & Others vs. State & Others*, before this Hon'ble Tribunal seeking parity with Junior Engineers of the Irrigation Department in respect of grant of notional Grade Pay of ₹4600/- w.e.f. 01.01.2009 and actual monetary benefits from 01.01.2013.

12. The said claim petition was disposed of vide order dated 15.05.2023, whereby this Tribunal directed the respondents to consider the case of the petitioners for grant of Grade Pay of ₹4600/- notionally from their dates of joining in 2009 and actually from 01.03.2013, as granted to Junior Engineers of other Government Departments. The Office Memorandum dated 07.05.2019 and G.O. dated 12.05.2018 were also set aside. The petitioners were directed to submit a fresh representation, to be decided by the respondents through a reasoned and speaking order within the stipulated period. In compliance with the aforesaid order, the petitioners submitted representations dated 29.05.2023 and 28.07.2023. The same were decided by the Director, Technical Education vide order dated 02.04.2024 with the approval of the Secretary, Technical Education.

13. Thereafter, the petitioners filed Contempt Petition No. C-11/SB/2024, *Swaraj Singh & Others vs. Sri Dileep Jawalkar & Others*, which was disposed of on 27.05.2024. This Tribunal declined to initiate contempt proceedings against the alleged contemnors, observing that it was not proper or expedient to take action under the Contempt of Courts Act at that stage. No liberty was granted to file a fresh contempt petition on the same cause of action.

14. Subsequently, the petitioners filed Contempt Petition No. C-19/SB/2025 against the decision dated 03.01.2025 of the Secretary, Technical Education, communicated on 07.01.2025, whereby their representations were rejected.

15. 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. 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.

16. Having considered the pleadings and documents brought on record, this Tribunal observes that since the directions contained in the order dated 15.05.2023 has been complied with, therefore, the contempt petition is closed. Notices issued to Respondents No. 1, 2 & 3 are hereby discharged. No order as to costs.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: MAY 30, 2026.
DEHRADUN

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