



2026:UHC:3304

HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Contempt Petition No. 54 of 2026

30 April, 2026

Anil Chandra Baluni.

--Petitioner

Versus

Dr. R Meenakshi Sundaram

Principal Secretary and Others

--Respondents

with

Civil Contempt Petition No. 55 of 2026

Deepti Pokhriyal

--Petitioner

Versus

Dr. R Meenakshi Sundaram

Principal Secretary and Others

--Respondents

with

Civil Contempt Petition No. 56 of 2026

Praveen Tandon

--Petitioner

Versus

Dr. R Meenakshi Sundaram

Principal Secretary and Others

--Respondents

Present:

Mr. Gyanendra Kumar Sharma and Ms. Khushboo Tiwari Sharma, learned counsel for petitioners.

Mr. Pooran Singh Bisht, learned Chief Standing Counsel with Mr. J.S. Bisht learned Standing Counsel for the State

Hon'ble Rakesh Thapliyal, J. (Oral)

1. These three contempt petitions have been moved by the petitioners Anil Chandra Baluni, Deepti Pokhriyal and Praveen Tandon for initiating the contempt proceedings against the respondents /contemnors for non compliance of judgment and order dated 18.02.2026 passed in WPPIL No. 70 of 2025 (Anil Chandra Baluni vs. State of Uttarakhand and another).

2. By prayer clause B, petitioners are praying for that the respondents /contemnors be directed to make affective



compliance of the order dated 18.02.2026 passed in WPPIL No. 70 of 2025.

3. At this juncture, operative portion of the judgment dated 18.02.2026 is being extracted herein as under:-

“ In view of the foregoing discussion, this Court holds that the educational qualification prescribed under Rule 9A of the Selection and Appointment of Managing Directors & Directors in the Three Corporations Rules, 2021 is a mandatory condition of eligibility, subject to the proviso contained therein. The material placed on record does not disclose a lawful and reasoned invocation of the proviso to Rule 9A(4) during the selection process. The appointment is, therefore, not in conformity with the statutory framework and is legally unsustainable.

Accordingly, the appointment of respondent no. 3 to the post of Managing Director is set aside. The State Government is at liberty to reconsider the matter strictly in accordance with the Rules, 2021. If the proviso to Rule 9A(4) is sought to be invoked, the determination of equivalence shall be made on objective material forming part of the decision-making record. Such exercise shall be completed within eight weeks.

It is clarified that this Court has not expressed any opinion on the comparative merit, competence or suitability of respondent no. 3. Till a fresh decision is taken, the State may make an interim arrangement in accordance with law.

WPSB No. 710 of 2024, WPPIL No. 70 of 2025 and WPSB No. 295 of 2025 stand allowed in the above terms. No order as to costs.”



4. The Division Bench of this Court pursuant to the aforesaid judgment quashed the appointment of respondent no. 3, who is also arrayed as respondent no. 3 herein and simultaneously the State Government was given liberty to reconsider the matter strictly as per Rules of 2021. It is contended by learned counsel for the petitioners that despite that the appointment of Mr. Dhyani was quashed by the Division Bench of this Court, Mr. Dhyani sent several mails to his subordinate to follow the instructions showing him as a Managing Director, which itself reveals that even after the judgment, he is performing as a de facto Managing Director of the Corporation, which amounts to flagrant violation of judgment passed by the Division Bench for which the contemnors / respondents i.e. Principal Secretary, Energy and the Chief Secretary of the Government are responsible, therefore, the contempt proceeding be initiated against them and to punish them under the provisions of the Contempt of Courts Act.

5. A response affidavit has been filed by Dr. R Meenakshi Sundaram, the Principal Secretary, (Energy) by contending therein that there is no willful disobedience of the judgment passed by the Division Bench dated 18.02.2026, and immediately after the judgment the file was processed and by Office Memorandum dated 26.02.2026 Mr. Dhyani was relieved from the post of Managing Director and in his place one Mr. Meharban Singh Bisht, (IAS), Additional Secretary of Energy Department has been given additional charge with this stipulation that this arrangement will be on temporary basis and will continue till the regular appointment is made.



6. It is further contended in the response affidavit that pursuant to the Office Memorandum dated 26.02.2026 on the same date afternoon Mr. Dhyani handed over the charge to Mr. Meharban Singh Bisht which is also enclosed with Office Memorandum dated 26.02.2026.

7. Supplementary affidavit is also filed by the respondent no. 2 on 22.04.2026 by giving reference about challenge of Rules in WPPIL No. 53 of 2026, which was dismissed on 15.04.2026 in response to this Mr. Sharma, learned counsel for the petitioner submits that against the order dated 15.04.2026 whereby WPPIL was dismissed a recall application has already been moved, which is pending. The petitioner Anil Chandra Baluni moved a Misc. Application No. 03 of 2026 by enclosing six documents i.e. extract of e-mail, copy of letter dated 02.04.2026 with attendance sheet, copy of the letter dated 31.03.2026, copy of the screen shots of mail dated 28.02.2026, 01.03.2026 and 06.04.2026.

8. Mr. Sharma, learned counsel for the petitioners submits the documents as enclosed reveals that Mr. Dhyani still performing as de facto Managing Director. He submits that screen shots of e-mail were received by Mr. Dhyani as a Managing Director. Along with I.A. No. 03 of 2026 following direction has been sought, which are as follows:

“i. Initiate appropriate contempt proceedings and punish the Respondent No. 1 and 3 in accordance with law for wilful and deliberate disobedience of the judgement/order dated 18.02.2026 passed by the Division Bench of this Hon'ble High Court in WPSB No. 710/2024, Praveen Tandon v. State of Uttarakhand &Ors. and the orders dated 27.02.2026 and 19.03.2026 passed by this Hon'ble Court in



CLCON No. 54/2026, Anil Chandra Baluni v. Dr R Meenakshi Sundaram Principal Secretary (Energy) & Ors.

b. Issue notice upon Respondent No. 2, Sh. Anand Bardhan, to show cause under what circumstances he has permitted such a sham arrangement, which amounts to deliberate disobedience of the orders of this Hon'ble Court;

c. Summon the relevant records, including video recordings, attendance records, electronic communications, and official documents, to ascertain the extent of wilful disobedience of the orders of this Hon'ble Court;

d. Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, in the interest of justice."

9. Learned counsel for the petitioner submits that the conduct of Mr. Dhyani to project himself as a Managing Director itself establishes that he still functioning as a de facto Managing Director of the Corporation, therefore, notices be issued to respondent no. 2 – Mr. Anand Bardhan, the Chief Secretary to explain under what circumstances such sham arrangement is made. He also submits that certain video recording, attendance records, electronic communications and officials documents are also required to be summon in order to establish whether Mr. Dhyani still functioning as a Managing Director.

10. I have gone through with the directions as sought in I.A. No. 03 of 2026 however this Court is of view that all these subsequent development and the directions as sought, cannot be looked into in a contempt jurisdiction. This Court has to see



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whether compliance has been made or not. From perusal of Annexure No. 1 and Annexure 2 of compliance affidavit i.e. office memo dated 26.02.2026 and charge taking certificate it is very much clear that the order has been fully complied with. So far as certain e-mails sent by Mr. Dhyani projecting himself as a Managing Director is concerned it does not fall within the scope of the contempt jurisdiction and it is for the authorities to look into and to take appropriate steps.

11. Since the order passed by the Division Bench has already been complied with, therefore, the proceeding of instant contempt petitions are closed and notices issued under the provisions of the Contempt of Courts Act are hereby discharged.

12. No order as to costs.

(Rakesh Thapliyal, J.)
30.04.2026

SKS