

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Writ Contempt No. 589/2022

Kishna Ram Gawariya, R/o Baliyawas, Near Water Tank, Jayal,
Dist. Nagaur.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Public Health Engineering Department, Government Of
Rajasthan, Jaipur.
2. Sudhanshu Panth, Principal Secretary, Public Health
Engineering Department, Government Of Rajasthan,
Jaipur.
3. Rakesh Luhadiya, Chief Engineer (Admn.) Public Health
Engineering Department, Government Of Rajasthan,
Jaipur.
4. Himanshu Govil, Superintending Engineer, Public Health
And Engineering Department, Division Nagaur, Dist.
Nagaur
5. Ranveer Bangra, Assistant Engineer, Public Health And
Engineering Department, Sub Division, Jayal, Dist.
Nagaur

-----Respondents

For Petitioner(s)	:	Mr. Dinesh Kumar Ojha with Mr. Danish Sherani
For Respondent(s)	:	Mr. Mayank Vyas for Mr. P.S. Chundawat

HON'BLE MS. JUSTICE REKHA BORANA

Order

25/03/2026

1. The present contempt petition has been filed alleging
disobedience of order dated 21.01.2021 passed in S.B. Civil Writ
Petition No.11910/2020.

2. Counsel for the respondents submits that the representation as filed by the petitioner has been decided vide order dated 07.03.2024 (Annex.R/1) and hence, no contempt is made out.

3. Counsel for the petitioner however submits that vide order dated 21.01.2021, the petitioner was directed to be given the Pay Scale in terms of the judgment in **Sohan Lal Mathur Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No.3631/2008** (decided on 17.11.2008) whereas vide order dated 07.03.2024, the representation of the petitioner has been rejected, which is clearly in disobedience of order dated 21.01.2021.

4. Heard the counsels.

5. While deciding Writ Petition No.11910/2020, the Court observed and held as under:

"4. In view of the above, the instant writ petition is allowed and the respondents are directed to give all the entitlement available to the petitioner strictly in terms of the judgment rendered in the case of Sohanlal Mathur (supra).

5. The petitioner herein shall file his representation claiming the pay-scale in terms of judgment of Sohanlal Mathur (supra) along with the certified copy of the order instant.

6. The respondents shall do the needful within a period of eight weeks from receiving the same.

7. The stay application also stands disposed of accordingly."

6. A review petition was filed by the State Authorities (S.B. Review Petition (Writ) No.56/2021) against order dated

21.01.2021. Vide order dated 25.05.2023, while dismissing the review petition, the Court observed and held as under:

"1. The present review petition is directed against the order dated 21.01.2021, passed by this Court in writ petition filed by the respondent.

*2. A perusal of the order under consideration reveals that though learned counsel for the petitioners had placed reliance on the judgment rendered in case of Sohanlal Mathur Vs. State of Rajasthan & Ors.: S.B. Civil Writ Petition No.3631/2008, decided on 17.11.2008, which has been affirmed by the Apex Court in SLP (Civil)No.14932/2012, while disposing of the writ petition, **this Court has not given any finding about the petitioner's case being covered by the judgments relied upon and has only directed the present petitioners to consider respondent's representation in terms of the judgment rendered in the case of Sohan Lal (supra).***

3. Hence, this Court does not find any error apparent on the face of the record because rights of the respondent have not been decided. Obviously, the petitioners shall be free to decide respondent's representation in accordance with law while considering the referred judgment.

4. The review petition is, therefore, dismissed."

7. A bare perusal of the above order reflects that vide the same it was clarified by the Court that it had not given any finding to

the effect that the petitioner is covered by the judgment in the case of **Sohanlal Mathur** (supra). Rather only a direction was passed to consider the representation of respondent therein (petitioner herein) in terms of the judgment rendered in the case of **Sohanlal Mathur** (supra). The Court further observed that the State Authorities shall be free to decide the representation in accordance with law.

8. In view of the above, this Court is of the clear view that once the Court which passed order dated 21.01.2021 itself clarified that it had directed only for decision of the representation of the petitioner in light of **Sohanlal Mathur**, rejection of the representation of the petitioner cannot be termed to be a disobedience of order dated 21.01.2021.

9. Counsel for the petitioner however relied upon order dated 16.12.2024 passed in the present contempt petition whereby the Court observed that the petitioner's case was covered by the adjudication made in the case of **Sohanlal Mathur** and the competent authority was given liberty to decide only the pay scale which the petitioner was entitled to.

10. However, in the above order, no reference of order dated 25.05.2023 has been made. It seems that order dated 25.05.2023 was not brought to the knowledge of the Court on 16.12.2024. Be that as it may.

11. After perusing order dated 25.07.2023 and order dated 16.12.2024 passed in the present contempt petition and further order dated 21.01.2021 passed in writ petition, this Court is of the opinion that vide order dated 21.01.2021, the petitioner was directed to file his representation claiming the pay scale in terms

of **Sohanlal Mathur** and the respondents were directed to give the entitlement available to the petitioner strictly in terms of **Sohanlal Mathur**. The only conclusion that can be drawn from the said direction is that after filing of the representation by the petitioner, if he was found entitled to be covered by **Sohanlal Mathur**, he was to be accorded the benefit thereof.

12. It is an admitted fact that vide order dated 07.03.2024 (Annexure-R/1), the petitioner has not been held entitled for the benefit in terms of **Sohanlal Mathur** and his representation has therefore been rejected.

13. In view thereof, when the representation of the petitioner stands rejected, no disobedience of order dated 21.01.2021 can be made out. The petitioner definitely would be at liberty to raise his grievance, if any, against order dated 07.03.2024 vide fresh writ petition. By no means, the present contempt petition can be entertained and the same is hence, **dismissed**.

14. Rule stands discharged.

(REKHA BORANA),J