

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

D.B. Spl. Appl. Writ No. 191/2026

Rajendra Singh Chhaba

----Appellant

Versus

Mr. Rajeshwar Singh

----Respondent

Connected With

D.B. Spl. Appl. Writ No. 233/2025

Loon Dan

----Appellant

Versus

Shri Rajeshwar Singh

----Respondent

D.B. Spl. Appl. Writ No. 1438/2025

Ramniwas Choudhary

----Appellant

Versus

Mr. Sanwar Mal Verma

----Respondent

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|-------------------|---|----------------------------------------------------------------------------------------------|
| For Appellant(s)  | : | Mr. Sukesh Bhati                                                                             |
| For Respondent(s) | : | Mr. Harshvardhan Singh for<br>Mr. Mahaveer Bishnoi, AAG<br>Mr. Sunil Purohit<br>Ms. Darshita |

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**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA**  
**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Order**

**09/04/2026**

1. It is noticed that the directions issued by this Court regarding releasing of the retiral benefits and the other benefits have not been complied with by the respondents.

2. This Court also noticed that the learned Single Judge, while hearing contempt petition on 23.01.2025, has passed directions which go beyond the order passed by this Court.

3. We painstakingly observe that such directions should not have been passed in contempt petition, as it would change the very nature of the order passed in the writ petition.

4. In the case of **Dr. Anil Mathur Vs. Mr Ashutosh A.t. Pednekar, Commissioner, College Education And Special Secretary** and other connected matters (**D.B. Civil Contempt Petition No. 1666/2018**) this Court, while dealing with the case of **State of Rajasthan & Anr. Vs. The Management Committee Shri Bhagwan Das Todi College & two other connected appeals decided on 06.11.2015**, has made following observations, which are as under :

*"16. A close reading of the concluding para of the judgment passed in Bhagwan Das Todi' (supra), clearly shows that the Hon'ble Division Bench has held that the said judgment is not confined to the employees therein but also applies to several other employees who have either filed the writ petition or raised objections before the learned Tribunal. In the said context the Hon'ble Division Bench has held that the principle laid down in the said case would also be applicable in case of other similarly situated persons. The 'term similarly situated' used in the said para cannot be read in isolation but the same is required to be read in the context, which clearly shows that the intention of the Hon'ble Division Bench is to make the principle laid down in the said case applicable also with regard to the petitioners who have already raised their grievance and submitted their independent claims*

*before this Hon'ble Court or before the learned Tribunal. The intention of the Hon'ble Division Bench emerging of the said judgment read in its entirety is very clear that although the individual employee was required to establish their entitlement with regard to the benefits arising from their services rendered in the aided institution, however the said entitlement was to be adjudicated in view of the principles laid down in the case of Bhagwan Das Todi' (supra). In our opinion the contempt petitioners have misconstrued the intention of the Hon'ble Division Bench and without first getting their entitlement / claim independently adjudicated before this Hon'ble Court or before the learned Tribunal have straightway proceeded to file the contempt petition before this Hon'ble Division Bench meaning thereby the contempt of Court is alleged without there being any adjudication of their independent entitlement, which is not permissible in the eye of law.*

*16.1. We have also noticed that in respect of most of the contempt petitioners, the compliance / compliance in part has already been made, however, looking to the peculiar facts and circumstances of the individual cases, some benefits have not been extended to some of the contempt petitioners; which in our view, this gives rise to a separate cause of action to the petitioners, however they have contended that the complete compliance of the judgment passed in the case of Bhagwan Das Todi' (supra) has not been made.*

*17. It is reiterated that the scope of interference by this Court in contempt proceedings are very limited and the fresh adjudication of the claims of the contempt petitioners with regard to the part of benefits not allowed by the State Government / Educational Institution looking to their peculiar facts*

*cannot be done in the contempt proceedings. Since the respondents herein have considered the claim of the contempt petitioners and have already passed respective orders in the individual cases. The grievance, if any, left can be adjudicated before the appropriate authority / Court / Tribunal, however the same would not amount to wilful and deliberate disobedience of the order passed by this Hon'ble Court and, therefore, also the present contempt proceedings are not maintainable.*

*18. We are also aware of the limited power of the Court while deciding the contempt proceedings and we refrain from enlarging the scope of contempt petition, especially when there is an availability of statutory forum of Rajasthan Non-Government Educational Institutional Tribunal (for short 'the Tribunal'), which is competent to examine the claim of the individuals and pass orders relying upon the orders passed in the case of Bhagwan Das Todi (supra). The directions issued by the Tribunal are akin to a decree passed by the civil Court and is executable in terms of Section 27 of the Rajasthan Non-Government Educational Institutions Act, 1989.*

*19. We, therefore, find that there is no deliberate or willful noncompliance of Court's order on behalf of the respondents. The contempt petitions are wholly misconceived and the same are accordingly, dismissed."*

5. Hon'ble Supreme Court in the case of **J.S. Parihar Vs. Ganpat Duggar & Ors. reported in (1996) 6 SCC 291** has held as under:

*"6. The question then is whether the Division Bench was right in setting aside the direction issued by the learned Single Judge to redraw the seniority list. It is*

*contended by Mr S.K. Jain, the learned counsel appearing for the appellant, that unless the learned Judge goes into the correctness of the decision taken by the Government in preparation of the seniority list in the light of the law laid down by three Benches, the learned Judge cannot come to a conclusion whether or not the respondent had wilfully or deliberately disobeyed the orders of the Court as defined under Section 2(b) of the Act. Therefore, the learned Single Judge of the High Court necessarily has to go into the merits of that question. We do not find that the contention is well founded It is seen that, admittedly, the respondents had prepared the seniority list on 2-7-1991. Subsequently promotions came to be made. The question is whether seniority list is open to review in the contempt proceedings to find out whether it is in conformity with the directions issued by the earlier Benches. It is seen that once there is an order passed by the Government on the basis of the directions issued by the court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the wilful violation of the order. After re-exercising the judicial review in contempt proceedings, a fresh direction by the learned Single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt proceedings. It would not be permissible under Section 12 of the Act. Therefore, the Division Bench has exercised the power under Section 18 of the*

*Rajasthan High Court Ordinance being a judgment or order of the Single Judge; the Division Bench corrected the mistake committed by the learned Single Judge. Therefore, it may not be necessary for the State to file an appeal in this Court against the judgment of the learned Single Judge when the matter was already seized of the Division Bench.*

*7. The appeals are accordingly dismissed. It may be open to the aggrieved party to assail the correctness of the seniority list prepared by the State Government, if it is not in conformity with the directions issued by the High Court, if they so advised, in an appropriate forum. No costs."*

5. In view of the above, we direct the respondent No.1 - Managing Director of RSRTC and responsible officer of the Finance Department to be present either personally or through VC and explain as to why dues have not been released to the retired staff of RSRTC, till date.

6. List these matters on 05.05.2026.

**(SANJEET PUROHIT),J**

**(SANJEEV PRAKASH SHARMA),ACJ**