



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

2025:RJ-JD:38673-DB

D.B. Writ Contempt No. 646/2024

1. Rajasthan High Court Assistant Employees Association Jodhpur, through its Secretary Shri Jagdish Sen son of Shri Pusa Ram, aged about 56 Years, resident of C-19, Near Police Line, Ratanada, Jodhpur.
2. Bheema Ram son of Shri Heera Ji, aged about 53 Years, resident of Cg-43, High Court Colony, Jodhpur.
3. Chain Singh son of Shri Madan Singh, aged about 55 Years, H/iv/20 Hudco Colony, Vikramaditya Colony, Jodhpur.
4. Om Singh son of Shri Dayal Sing, aged about 61 Years, resident of Plot No. 272, Khasra No. 49, Bhagwan Mahaveer Nagar, Nandri, Jodhpur.

----Petitioners

Versus

1. The State of Rajasthan, through the Principal Secretary, Department of Law and Legal Affairs, Government of Rajasthan, Jaipur.
2. Shri Gyan Prakash Gupta, Principal Secretary, Department of Law and Legal Affairs, Government of Rajasthan, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Hemant Dutt
For Respondent(s)	:	Mr. Rajesh Panwar, Sr. Adv. and AAG with Mr. Ayush Gehlot, AAAG
present-in-person(s)	:	Mr. Debasish Prusty, Finance Secretary (Budget) Mr. Hakam Khan, Deputy Secretary DOP

**HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MS. JUSTICE REKHA BORANA**

Order

02/12/2024

Alleging willful and intentional disobedience and non-compliance of the order dated 9th February 2023 passed in



D.B. Civil Writ Petition No.10122 of 2021, the present contempt petition has been filed seeking initiation of the proceeding under the Contempt of Courts Act, 1971 against the contemnor-respondent.

2. At the outset, we would indicate that in the present contempt petition, the Finance Secretary (Budget) has not been made a party respondent. Notwithstanding that a direction was issued by this Court on 28th November 2024 calling for the records with the further direction that responsible officers from the Personnel Department and Finance Department shall remain present in the Court.

3. We are informed that a new incumbent has tendered his joining to the post of Finance Secretary (Budget) on 17th May 2024.

4. As to the contempt proceedings against non-party or a stranger to the original proceeding, we would indicate that a person who had knowledge of the order passed by the Court and the relevant file had been routed through him can be proceeded against in a contempt petition (refer, "*Sita Ram v. Balbir alias Bali*" (2017) 2 SCC 456).

5. At this stage, we are not recording any prima facie findings and intend to record only the notings in the files the relevant records of which have been produced in the Court. But at the same time, we need to indicate that this is necessary for maintaining the rule of law that the Court's orders are complied in true letter and spirit. No authority howsoever high can think of not complying with the Court's order. The law permits the aggrieved party to file an appeal or review petition against the order of the



Court or to move an application for modification or recall of the order but no person or authority can defy the Court's order (refer, "*S. Nagraj and Ors. v. State of Karnataka and Anr.*" 1993 *Supplementary (4) SCC 595*).

6. We may also indicate that a direction issued by the writ Court to reconsider the matter must be taken seriously by every authority of the State and no one can wriggle out of the legal proceedings under the Contempt of Courts Act merely by saying that the proposal was reconsidered and rejected. The original records reveal that the proposal to reconsider grant of one advance increment of Class-IV employees of the High Court such as Jamadars (Usher), Basta Bardar, Daftari, Library Boy, Cook, Waiter and Sweeper was declined by the State-authorities only on the ground that fourteen out of nineteen High Courts have declined the benefits of one advance annual increment to such employees of the High Court and only five High Courts have granted such benefits to those Class-IV and Chauffeur employees. The file notings are replete of this fact and no new ground except the remark made in the office of the Governor is recorded in the original records produced in the Court.

7. In view of the prayer for adjournment made by Mr. Rajesh Panwar, the learned Senior Advocate and Additional Advocate General, post the matter on 16th December 2024.

8. The original records have been handed over to the learned AAAG.

(REKHA BORANA), J

196-Neha/-

(SHREE CHANDRASHEKHAR),J