



**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 S/o Shri Pusa Ram, Aged About 56 Years, R/o C-19, Near Police Line, Ratanada, Jodhpur.
2. Bheema Ram S/o Shri Heera Ji, Aged About 53 Years, R/o Cg-43, High Court Colony, Jodhpur.
3. Chain Singh S/o Shri Madan Singh, Aged About 55 Years, H/iv/20 Hudco Colony, Vikramaditya Colony, Jodhpur.
4. Om Singh S/o Shri Dayal Sing, Aged About 61 Years, R/o 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. Rajendra Prasad, Advocate General, assisted by Mr. Anirudh Singh Shekhawat Mr. Rajesh Panwar, Senior Advocate, AAG assisted by Mr. Ayush Gehlot

**HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MR. JUSTICE MADAN GOPAL VYAS**

Order

09/01/2025

1. By an order dated 09th February 2023, a Division bench of this Court remanded the matter for a fresh consideration by the



State respondents expressing trust and hope that the State Government shall adopt an objective view in the matter and its further decision shall not be affected by the considerations, which prevailed with it while refusing to accept the recommendations sent by the Rajasthan High Court on earlier occasions.

2. As we have noted in the order dated 2nd December 2024, the direction issued by this Court exercising the powers under Article 226 of the Constitution of India was not complied with on a purported ground of a remark made in the office of the Governor.

3. On that day, this Court had taken note of various objections raised on behalf of the proposed contemnors and passed a detailed order. It further appears that in view of the prayer for adjournment sought by the learned Additional Advocate General, hearing of this contempt case was deferred to 16th December 2024.

4. On 2nd December 2024, the following order was passed by this Court:-

" 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. "*

5. Mr. Rajendra Prasad, the learned Advocate General has endeavoured to persuade this Court to accept the proposal that an



amendment in the extant rules is necessary for granting the benefits as claimed by the writ petitioners. However, this Court is of the opinion that in a matter of this nature and, particularly, when a direction has been issued by this Court on the judicial side, the proposal for granting benefits to the writ petitioners can be considered without insisting on amendment in the relevant rules. Moreover, on a perusal of the writ Court's order, we gather that the benefit of one advance increment to some of the Ministerial Staff of the Rajasthan High Court was approved and granted by the State Government vide order dated 01st June 2017. It was only a certain section of Class-IV employees such as Chauffeurs (Drivers) etc. who also fall under Schedule II appended to the rules in respect of whom a recommendation has been made by the High Court and, in connection therewith, this Court issued a direction to the State Government as aforesaid. We further find that there was an amendment carried out in Rule 21 of the Rajasthan High Court Staff Service Rules, 2002 which according to the learned Advocate General may not be sufficient to extend the benefit of one advance increment to the writ petitioners. The learned Advocate General is however seeking four weeks' adjournment for enabling the State Authorities to reconsider the matter afresh.

6. Post this matter on 19th February 2025.

7. In the meantime, the State respondents shall take a decision as indicated in the light of the observations made by the writ Court in its order dated 09th February 2023. We may further add and indicate that if a section of the Ministerial Staff of the Rajasthan High Court has been granted benefit of one advance



increment, there is no reason why the other employees falling under the category of Ministerial Staff in Schedule II should be deprived of such benefit. Having regard to this fact, this appears that it was the understanding of the State authorities that the amended provision of Rule 21 was sufficient to grant the benefit of one advance increment to the Ministerial Staff of the Rajasthan High Court.

(MADAN GOPAL VYAS),J

(SHREE CHANDRASHEKHAR),J

168-Bharti/-