

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

D.B. Civil Miscellaneous Appeal No. 1510/2026

1. Sangram Kala, Aged About 50 Years, Secretary Balika Adarsh Vidhya Mandir, Through The Secretary, Management Committee, Shastri Nagar, Jodhpur (Raj.).
2. Sangram Kala, Aged About 50 Years, Secretary, Management Committee, Balika Adharsh Vidhya Mandir, Shastri Nagar, Jodhpur (Raj.).
3. Mishri Lal Prajapati S/o Shri Surjaram, Aged About 44 Years, Present Secretary, Prabandh Samiti, Balika Adharsh Vidhya Mandir, Shastri Nagar, Jodhpur (Raj.).

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Versus

1. Smt. Satyawati Bhati W/o Sh. Ashok Kumar Bhati, R/o Plot No. 181-B, Shiv Road, Ratanada, Jodhpur
2. Chandra Prabha Gaur W/o Shri Shiv Narayan Gaur, R/o 6K 37, Chotha Puliya, Chopasani Housing Board, Jodhpur
3. Usha Mathur W/o Shri Pramanand Mathur, R/o 25/b/22, Chopasani Housing Board, Jodhpur
4. Usha Joshi D/o Shri Kanhaiyalal, W/o Shri. Tc Joshi, R/o 22-C Pokran House, Loco Road, Uit Chouraya, Jodhpur.
5. Susma Gangul, (Withdrawn) Vide Order Dated 25.02.2026
6. P C Kishan, The Director Elementary Education, Bikaner Raj
7. Naresh Pal Gangwar, Principal Secretary, Elementary Education, Education Department, Secretariat, Jaipur Raj.
8. Dharmendra, The District Education Officer, Education Department (Elementary), Near Ummaid Club, Gau Sala Maidan, Rai Ka Bagh, Jodhpur.

----Respondents

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For Appellant(s) : Mr. Bhanwar Lal Tiwari  
Mr. Akshay Chandra Tiwari

For Respondent(s) : -

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**HON'BLE MR. JUSTICE ARUN MONGA  
HON'BLE MR. JUSTICE SUNIL BENIWAL**

**Order(oral)**

**28/04/2026**

**Per : Arun Monga, J**

1. Instant appeal is directed against an order dated 02.04.2026 passed by the learned Single Judge in S.B. Writ Contempt No.

1500/2018, wherein inter alia, it has been directed the contemnors shall pay the dues with 12% interest within two weeks, failing which coercive action was contemplated.

2. Prior thereto, the respondents No.1 to 8 (original writ petitioners) had filed Writ Petition No. 4199/2012 seeking directions against the State Government and school management for grant of certain financial benefits arising out of service rendered by them. Though the writ petition was allowed vide order dated 27.02.2018, but no steps were taken for compliance directions given by this Court.

3. The aforesaid contempt petition was thus filed, and on 02.04.2026, the learned Single Judge directed payment to the petitioners by the next date of hearing i.e. 22.04.2026, failing which the current Secretary of the Institute (Appellant No. 3) was directed to remain personally present, with appropriate punishment to follow.

4. Hence, the present appeal.

5. Learned counsel for the appellants submits that cheques for the full gratuity amount were prepared and tendered, but were not accepted by the contempt petitioners.

5.1 It is further submitted that by the order dated 02.04.2026, the learned Single Judge expanded the scope of the contempt proceedings by directing personal presence of the Secretary and contemplating punitive action. The appellant's main grievance is that adverse observations and directions were made against Appellant No. 3, Mishri Lal Prajapati, who has not been impleaded as a party to the contempt petition.

6. Heard and perused the case file, including the order, impugned herein.

7. Before we proceed further, it would be appropriate to refer the assailed order dated 02.04.2026 passed by the learned Single Judge. The relevant portion is reproduced herein below:

*“8. In view of the above, this Court is of the clear opinion that there was a specific direction to the respondents to make the payment of the amount to the petitioners as detailed out therein, within a period of 60 days. The details specifically included the amount towards gratuity too. The same definitely has to be in terms of law. A direction to follow the provisions of law is not required to be worded in an order as that is the natural consequence/implication of an order. It is evident that the gratuity amount of an employee is to be calculated in terms of Act of 1972. The calculation by the respondent Institute in terms of a provision which is not even applicable, cannot be termed to a compliance of order dated 27.02.2018.*

*9. Let the correct computation be made by the respondent Institute within a period of two weeks from now and after the said determination in terms of Section 4(2) of Act of 1972, the amount with interest at the rate of 12% per annum in compliance of order dated 27.02.2018, be made to the employees.*

*10. List on 22.04.2026. If, by the said date the amount qua the gratuity as directed above is not paid to the employees, the present Secretary of the respondent Institute shall remain present before the Court and the Court would proceed on to pass appropriate orders of punishment on the said date.”*

*(Emphasis is ours)*

8. At the very outset, we would like to observe that order under contempt having attained finality has to be implemented and no interference is thus warranted in the impugned order passed by learned Single Judge. However, we are of the view that appellant No.3 deserves to be heard by the learned Single Judge before taking any final view qua his role attributed by the contempt-petitioners. To that extent, he is entitled to be impleaded as a contemnor/respondent in the pending contempt proceedings.

9. It turns out that appellant no.1 and 2 are already party to the lis, except appellant No.3 herein, who, without formally being a party has been directed to appear for passing appropriate orders

of punishment against him. Since he also ought to be given opportunity of hearing by way of impleadment before taking any adversarial view qua him and/or to award any punishment to him, the appellant no.3 – Mishri Lal Prajapati is thus permitted to file appropriate application seeking his impleadment in the contempt proceedings.

10. We feel and accordingly also request the learned Single Judge that the proposed application of appellant No.3 herein ought to be first decided, either way, before proceeding further against him. In case, such an application is allowed, needless to say, the appellant may then file his response to the contempt petition and law will take its own course.

11. With these observations, the instant appeal is disposed of.

12. Before we part, we may also note that though three appellants preferred the instant joint appeal, but since appellant No.1 & 2 are since already impleaded as respondents in the contempt petition, they are thus at liberty to take their respective defence in the pending contempt proceedings in accordance with law, hence, the instant appeal qua them is dismissed.

12. All pending applications also stand disposed of.

**(SUNIL BENIWAL),J**

**(ARUN MONGA),J**