

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

S.B. Writ Contempt Petition No. 1224/2024

1. Dhanraj S/o Chaturbhuj, Aged About 36 Years, Presently Working As Part Time Employee, Govt. Hostel, Atru, Dist. Baran.
2. Manak S/o Shri Chaturbhuj, Aged About 37 Years, Resident Of Katawar Distt. Baran Presently Working As Part Time Employee Govt. Hostel, Chardana, Distt. Baran.
3. Sushila Bai W/o Lal Chand Raigor, Aged About 37 Years, Presently Working In Amebedkar Hostel As Part Time Employee, Atolan Distt. Baran
4. Bhuli W/o Dhanraj, Aged About 38 Years, Presently Working As Part Time Employee, Govt. Hostel, Atru, Dist. Baran.

----Petitioners

Versus

1. Shri Kuldeep Ranka, Principal Secretary, Social Justice And Empowerment Department, Secretariat, Jaipur.
2. Shri Ghandendra Chaturvedi, Director, Social Justice And Empowerment Department, Near 22 Godawn Polia, Jaipur.
3. Secretary, Social Justice And Empowerment Department, Secretariat, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Bharat Singh Rathore
For Respondent(s)	:	Mr. Devesh Mehra for Mr. Praveen Khandelwal, AAG

HON'BLE MS. JUSTICE REKHA BORANA

Order

21/04/2026

1. The present contempt petition has been filed alleging disobedience of order dated 29.01.2024 passed in S.B. Civil Writ Petition No. 1282/2024.

2. Vide order dated 29.01.2024, the representation as filed by the petitioner was directed to be decided keeping into consideration the judgment in ***Dhula Ram Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No.6152/2021*** (decided on 29.01.2024).

3. Admittedly, vide order dated 07.10.2024 (Annexure-CR/1), the representation as filed by the petitioner has been decided. Vide the same, it has been observed that the post on which all the petitioners (part-time employee) had been working were the unsanctioned posts such as cook/chowkidars and further, they had not completed 10 years of service as on 10.04.2006. Therefore, the services of the petitioners cannot be regularized in terms of ***Dhula Ram (supra)***.

4. Counsel for the petitioner submits that order dated 07.10.2024 is not in accordance with the ratio laid down in ***Dhula Ram 's*** case.

5. After hearing the Counsel, this Court is of the clear opinion that no disobedience of order dated 29.01.2024 can be made out. Vide the same, the representation of the petitioner was directed to be considered in light of ***Dhula Ram's*** case.

6. This Court is of the considered opinion that the scope of contempt cannot be expanded for the purpose of adjudication of the issues on merits. An order of direction to consider the representation cannot be construed to be an order to decide the issues as raised in the representation, in favour of the petitioners. Dealing with a similar situation wherein a direction to decide the representation was issued, the Madras High Court (Madurai Bench) in ***V. Chelladurai Vs. Thiru. Thiruvambalampillai &***

Ors.; Contempt Petition (MD) No.1280 of 2021 (decided on 03.03.2022), observed as under:

"6....Thus, in the absence of any positive direction to the respondents to grant certain benefits, the Court would not be in a position to interpret an order directing the authorities to consider the representation under the pretext that the said order confers a right to get favourable orders from the respondents."

7. Keeping in with the above position of law, this Court is of the clear opinion that where an innocuous Order is passed by a Court directing for the decision of a representation, without recording any finding on merit, rather without even cursorily delving into the facts of the matter or issues involved therein, and ultimately the representation is not decided in favour of the petitioners, it cannot be concluded to be a disobedience of the Orders of the Court. An order directing for decision of a representation in light of some earlier judgement or some provision of law, cannot be termed to be a direction to decide the matter in some particular manner or a positive direction to decide in favour of the petitioners. The decision thereof, even if erroneous or incorrect, cannot empower a Contempt Court to hold so. The same would definitely be in excess of the limited scope of jurisdiction of a Court sitting in Contempt jurisdiction.

8. The Hon'ble Apex Court, while dealing with the issue of contempt jurisdiction in ***Amit Kumar Das Vs. Shrimati Hutheesingh Tagore Charitable Trust; (2024) 11 SCC 679***

while placing reliance on the earlier judgment in **Sudhir Vasudeva Vs. M. George Ravishekar**; (2014) 3 SCC 373 held as under:

"14. Now, a look at caselaw on the point. In *Sudhir Vasudeva v. M. George Ravishekar*, (2014) 3 SCC 373, a three-Judge Bench of this Court observed as under, in the context of exercise of contempt jurisdiction: (SCC p.381, para 19)

"19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. ... The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. **The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or willful violation of the same.** Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenching upon. No order or direction supplemental to what has been already expressed should be issued by the Court while

exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above."

9. Applying the above ratio to the present matter, as is evident, after considering the representation of the petitioners, the competent Authority has found them not entitled for the relief. The said decision of the competent Authority is definitely in accordance with the directions as issued vide order 29.01.2024.

10. In view of the above, no case for contempt is made out and the contempt petition is hence, **dismissed**.

11. Rule stands discharged.

12. Needless to observe that if the petitioners are aggrieved of order dated 07.10.2024, they would be at liberty to take appropriate remedy against the same.

(REKHA BORANA),J