

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Contempt Petition No. 734/2018

Smt Usha Sharma

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

Connected With

S.B. Civil Contempt Petition No. 730/2018

Mukesh Chand Rathi

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 732/2018

Smt Shashi Kala Maheshwari

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 733/2018

Smt Sushila Rawat

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 735/2018

Dalu Ram Kumawat

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 736/2018

Smt Manju Rani Jain

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 737/2018

Shivji Ram Kumawat



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-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 738/2018

Smt Kiran Joshi

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 739/2018

Smt Usha Jain

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 740/2018

Smt Sheela Purohit

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 741/2018

Gyanendra Kumar Varshney

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 742/2018

Mehram Choudhary

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 743/2018

Sachin Dutt Sharma And Ors

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent



S.B. Civil Contempt Petition No. 744/2018

Smt Mithlesh Gupta

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 747/2018

Smt Saroj Kumari Sharma

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 748/2018

Smt Seema Devi Mishra

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 749/2018

Smt Urmila Sharma

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 750/2018

Kishan Lal Tanwar

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 751/2018

Smt Lalita Jain

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 752/2018

Smt Sushila Mehta

-----Petitioner

Versus



Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 753/2018

Dr Madhur Prakash Vashnerya

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 754/2018

Padam Chand Jain

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 755/2018

Vijan Kumar

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 756/2018

Kailash Chand Jagid

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 759/2018

Guman Singh Panwar

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 760/2018

Bhanwar Singh

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 761/2018

Smt Sharli James



[CCP-734/2018]

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 762/2018

Smt Meenakshi Jain

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 763/2018

Smt Sushila Goyal

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 764/2018

Smt Nirmala Jain

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 766/2018

Smt Mamta Gangwal

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

S.B. Civil Contempt Petition No. 767/2018

Dinesh Chand Vijayvargiya

-----Petitioner

Versus

Nihal Chand Pahadia And Anr

-----Respondent

For Petitioner(s) : Mr. D.P. Sharma, Adv.

For Respondent(s) : Mr. R.P. Garg, Adv.

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

16/02/2026

1. It is contended by learned counsel for the petitioners that, in pursuance of the impugned order dated 12.01.2018 (in short, 'impugned order'), the respondents have not paid the amount of gratuity along with 6% interest to the petitioners.
2. It is also contended that the petitioners, namely Padam Chand Jain, Shashi Kala Maheshwari, Sushila Rawat, Kiran Joshi, Sushila Goyal, have filed the contempt petitions before the Division Bench and the Division Bench, vide various orders, dismissed the contempt petitions with liberty to raise the dispute before the executing Court. Therefore, qua the aforesaid petitioners, the contempt petitions may be disposed of. However, regarding the other petitioners, the respondents have not complied with the order and have still not paid the gratuity amount with interest at the rate of 6% per annum.
3. It is fairly submitted that 20% of the management shares have already been paid to all the petitioners. It is further contended that the respondents have deliberately failed to pay the amount of gratuity with interest to the remaining petitioners; therefore, prima facie, the respondents are guilty of civil contempt.
4. On the contrary, learned counsel for the respondents argues that the petitioners have concealed the fact that they have already initiated execution proceedings under Section 27A of the Rajasthan Non-Government Educational Institutions Act, 1989.
5. It is also contended that in view of the judgments passed in the matter of the aforesaid petitioners in **S.B. Civil Contempt**

Petition No.1077/2019, titled as Smt. Madhuri Devi Vs. In the Government of Rajasthan and others dated 19.04.2023, the Co-ordinate Bench held that the contempt petition is not maintainable in light of Section 27-A of the Rajasthan Non-Government Educational Institutions Act.

6. It is further contended that the petitioners, namely, Manju Rani Jain, Urmila Sharma, Sushila Mehta, Lalita Jain, Kailash Chand Jangid, Shashi Kala Maheshwari, Usha Sharma and Sherly Jems, have already been paid the entire amount and the execution proceedings have been decided with the averment that the payment has already been received. It is further argued that, for the same cause of action, the petitioners have approached various forums without disclosing this fact; therefore, the contempt petitions may be dismissed.

7. Heard and perused the material available on record.

8. These contempt petitions were filed against the order dated 12.01.2018, passed in **S.B. Civil Writ Petition No. 4615/2017, titled Managing Committee Vs Smt. Santosh Chaudhary & Anr.** and others connected matters, wherein the Court passed the following order:-

"Considering the all facts, this Court deems it proper to direct the petitioner/management to pay full amount of gratuity along with 6% interest till it is paid to the employee concerned and further 20% share of the management in respect of other arrears of the employees as has been ordered by the Tribunal, may also be released. The disbursement of amount of the employees may be given directly by the management within one and half months."

9. The contempt petitions were filed in 2018 and execution petitions were also pending before the concerned Court. The

respondents challenged the impugned order by filing a D.B. Civil Special Appeal (Writ); however, the respondents' Special Appeal was dismissed.

10. The petitioners namely Sushila Rawat, Kiran Joshi, Padam Chand Jain, Sushila Goyal, Vijayan Kumar filed civil contempt petitions before the Division Bench and the Division Bench in those contempt petitions by various orders disposed of the contempt petitions with the liberty that the execution proceedings may continue.

11. The Division Bench in the aforesaid contempt petitions, did not decide the matter about the maintainability of the contempt petition in view of the pendency of execution proceedings, and all the contempt petitions were disposed of with the liberty to revive the case if the order is not complied with. Thus, it is apparent that the Division Bench in the aforesaid contempt petition did not decide the issue of maintainability.

12. The Single Bench in Civil Contempt Petition No.1077/2019 passed on 17.04.2023, after referring to Section 27A of the Rajasthan Non-Government Educational Institutions (Amendment) Act and also the judgment of the Single Bench passed in **Bagga Mali Vs. Shri Bhawani Shankar Garg in S.B. Civil Contempt Petition No.408/2000**, dated 28.07.2003, has held that since the petitioners have a proper remedy of execution of the order passed by the learned Tribunal, it would be proper for the petitioners to first approach the executing court for execution of the orders passed by the Tribunal. The Single Bench in the judgment of **Bagga Mali (Supra)** dismissed the contempt petition, saying it was not maintainable.

13. Similarly, in the matter of **Dr Anil Kumar Mathur and others vs Mr Ashutosh A.T. Pednerar and others in D.B. Civil Contempt Petition No.1666/2018** and other connected matters

dated 21.08.2025 in para Nos. 18 and 19 held as under:-

"18. We are also aware of the limited power of the Court while deciding the contempt proceedings. 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 non-compliance of Court's order on behalf of the respondents. The contempt petitions are wholly misconceived and the same are accordingly, dismissed."

14. These Contempt petitions were preferred in 2017, 2018, 2021, 2022, 2023, 2024 and 2025, alleging non-compliance. **D.B. Special Appeal (Writ) No.663/2015, State of Rajasthan and Anr. Vs. The Management Committee, Bhagwan Das Todi.**

15. It was so referred in the judgment of **Dr. Anil Kumar Mathur (supra)** that the petitioners, who filed the contempt petitions claiming their rights either before the Division Bench or before the Educational Tribunal, were not the petitioners in the **D.B. Special Appeal No.663/2015, State of Rajasthan Vs. Bhagwan Das Todi (Supra)**. The Division Bench in the contempt petition also held that, in the garb of the judgment of **Bhagwan Das Todi (Supra)**, some of the petitioners filed contempt

petitions directly before the Court, claiming their rights as if they were the writ petitioners or direct beneficiaries under the Court's decision. The Division Bench in the aforesaid contempt petitions dismissed the contempt petitions, observing that the scope of contempt petitions cannot be enlarged especially when there is availability of statutory forum of the Rajasthan Non-Government Educational Institutions Tribunal, which is competent to examine the claim of the individuals and pass the orders relying upon the orders passed in the case of **Bhagwan Das Todi (supra)**.

16. In the matter of **Smt. Madhuri Devi vs Government of Rajasthan (supra)** and **Bagga Mali Vs. Bhawani Shankar Garg (supra)**, the contempt petitions were preferred against the order of the Educational Tribunal. In that circumstance, the Single Bench held that the remedy under Section 27-A of the Act is available to the petitioners to approach the executing Court for compliance with the order.

17. In the present matter, the impugned order Annexure-1 dated 12.01.2018 pertains to the non compliance of High Court order and not against the order of Education Tribunal. Therefore, on the factual matrix the present petition is entirely different from the judgment of **Bagga Mali, Madhuri Devi** and **Dr. Anil Kumar Mathur**. It has come to the notice of the Court that some of the petitioners have already been granted the benefit of gratuity and other benefits arising out of the order passed by the executing Court.

18. Therefore, qua the petitioners who have already been granted relief in execution proceedings, the contempt petition has become infructuous.

19. As far as the petitioners who preferred the contempt petitions in the Division Bench, their petitions have already been disposed of with the liberty to file the execution proceedings; therefore, the contempt petition filed by them is also disposed of.

20. However, for the remaining petitioners, the respondents shall submit an additional affidavit detailing whether the petitioners have been paid the gratuity amount and the 6% interest thereon, as per the impugned order, or not.

21. The preliminary objection regarding the maintainability of the petition is dismissed.

22. Four weeks' time is granted to learned counsel for the respondents to file an additional affidavit.

23. List these matters after four weeks.

(PRAVEER BHATNAGAR),J