

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

1. S.B. Civil Contempt Petition No. 1471/2018

Balram Varma S/o Shri Devi Singh, Aged About 79 Years, R/o B-97, Jawahar Nagar, Bharatpur Rajasthan.

----Petitioner

Versus

1. Naresh Pal Gangwar, Secretary, Department Of Education, Government Secretariat Jaipur Raj.
2. Nathmal Didel, Director, Directorate Of Secondary Education, Rajasthan, Bikaner 334001
3. State Of Rajasthan, Through Secretary, Education Department, Government Secretariat, Jaipur

----Respondents

Connected With

2. S.B. Civil Contempt Petition No. 2333/2018

Dwarka Parasad Sharma S/o Shri Radha Kishan Sharma, Aged About 75 Years, R/o Village And Post Baler District Sawai Madhopur

----Petitioner

Versus

1. Naresh Pal Gangwar Secretary Department Of Education, Government Secretariat Jaipur
2. Nathmal Didel Director Directorate Of Secondary Education, Rajasthan Bikaner 334001
3. State Of Rajasthan Through Secretary Education Department, Govt. Secretariat Jaipur

----Respondents

3. S.B. Civil Contempt Petition No. 2657/2018

1. Shyam Lal Tiwari S/o Shri Ghisiram Sharma, Aged About 75 Years, R/o Bhitariwari, Tehsil Bayana, District Bharatpur (Raj.) (Seniority No. 66)
2. Giriraj Singh S/o Shri Mehtav Singh, Aged About 76 Years, R/o Village And Post Pura Bai Kheda, Tehsil Bayana, District Bharatpur (Raj.). (Seniority No. 51)
3. Pooran Chand Gupta S/o Shri Jagan Lal, Aged About 78 Years, R/o Agrasen Colony, Subhash Chouk, Bayana,

District Bharatpur (Raj.) (Seniority No. 14)

4. Smt. Kampuri Devi W/o Late Shri Hari Shankar Sharma, Aged About 76 Years, R/o Village Senthara, Post Dhourmui, Tehsil And District Bharatpur (Raj.) (Seniority No. 28)
5. Barfi Devi W/o Late Shri Haridwari Lal Yadav, Aged About 74 Years, R/o Village And Post Astawan, Tehsil Kumher, District Bharatpur (Raj.) (Seniority No. 11).

-----Petitioners

Versus

1. Mr. Naresh Pal Gangwar, Principal Secretary, Department Of Physical Education, Govt. Of Rajasthan, Secretariat, Jaipur.
2. Mr. Nathmal Didel, The Director, Department Of Secondary School Education Administrative Building Shiksha Sakool Jln Marg, Jaipur (Raj.).
3. Mr. Debanjana Ray, Secretary Ministry Of Youth Affairs And Sports, Department Of Youth Affairs, Shastri Bhawan, New Delhi.
4. State Of Rajasthan Through Its Principal Secretary, Department Of Physical Education, Govt. Of Rajasthan, Secretariat, Jaipur.

-----Respondents

4. S.B. Civil Contempt Petition No. 2658/2018

1. Rugan Singh S/o Shri Gathua Ram, (Died)
2. Rajendra Singh S/o Late Shri Rugan Singh, Aged About 49 Years, R/o Aou Gate, Deeg, Bharatpur (Raj.)
3. Gajraj S/o Late Shri Rugan Singh, Aged About 47 Years, R/o Aou Gate, Deeg, Bharatpur (Raj.)
4. Ajay Singh S/o Late Shri Rugan Singh, Aged About 40 Years, R/o Aou Gate, Deeg, Bharatpur (Raj.)
5. Trilok Nath Tiwari S/o Shri Babu Lal Tiwasri, Aged About 75 Years, R/o Krishna Nagar, Bharatpur (Seniority No. 59)
6. Mohan Singh Verma S/o Shri Basanta Singh, Aged About 75 Years, R/o Ward No. 18, Choudhary Colony, Nadbai, Bharatpur (Seniority No. 60)
7. Ram Singh S/o Shri Bhagwat Singh, Aged About 76 Years, R/o Village And Post Godoli, Tehsil Nadbai, Bharatpur (Seniority No. 139).

-----Petitioners

Versus

1. Mr. Naresh Pal Gangwar, Principal Secretary, Department Of Physical Education, Govt. Of Rajasthan, Secretariat, Jaipur.
2. Mr. Nathmal Didel, Director, Secondary Education, Administrative Building Shiksha Sankul Jln Marg, Jaipur (Raj.).
3. Mr. Debanjana Ray, Secretary Ministry Of Youth Affairs And Sports, Department Of Youth Affairs, Shastri Bhawan, New Delhi.
4. State Of Rajasthan Through Its Principal Secretary, Department Of Physical Education, Govt. Of Rajasthan, Secretariat, Jaipur.

-----Respondents

5. S.B. Civil Contempt Petition No. 515/2019

1. Raghunandan Prasad Gautam S/o Shri Nathu Lal Gautam, Aged About 79 Years, Resident Of House No. 964, Mahaveer Nagar-II, Opposite Digamber Jain Mandir, Kota, (Seniority No. 43)
2. Jugal Kishore Gupta S/o Shri Rupam Lal Gupta, Aged About 77 Years, 4-Jh-17, Housing Board, Shastri Nagar, Jaipur (Seniority No. 32)
3. Govind Yadav S/o Shri Jai Narain, Aged About 78 Years, Resident Of 2-B-34, Shiv Shakti Colony, Shastri Nagar, Jaipur Rajasthan (Seniority No. 70)
4. Jaswant Singh Hada S/o Shri Madho Singh Hada, Aged About 76 Years, Permanent Resident Of Bade Bhujwalo Ka Nohra, Narna Pada, Retwali, Kota Presently Residing At Om Shivam Indian Oil Building, Sector-3 Flat No. 14, R.d.p. No. 7/168, Charcop, Kandiwali (W) Mumbai-67 (Seniority No. 108)
5. Bhairon Singh Khangarot S/o Shri Mool Singh Khangarot, Aged About 76 Years, Resident Of Uniara House, Teachers Colony Kekri, Ajmer (Seniority No. 112)

-----Petitioners

Versus

1. Dr. R. Venkateshwaran, Principal Secretary, Department Of Education, Govt. Secretariat, Jaipur

2. Nathmal Didel (I.a.s.) Director, Directorate, Secondary Education, Rajasthan, Bikaner-334001
3. State Of Rajasthan, Through Secretary, Education Department, Government Secretariat, Jaipur

-----Respondents

6. S.B. Civil Contempt Petition No. 546/2019

Mamraj Rai S/o Late Shri Balji Ram Rai, Aged About 79 Years, R/o Plot No. 55, Balai Basti Nahri Ka Naka, Shastri Nagar, Jaipur-302016 (Seniority No. 115)

-----Petitioner

Versus

1. Dr. R. Venkateshwaran, Principal Secretary, Department Of Education, Govt. Secretariat, Jaipur.
2. Nathmal Didel (I.a.s.), Director, Directorate, Secondary Education, Rajasthan, Bikaner-334001.
3. State Of Rajasthan, Through Secretary, Education Department, Government Secretariat, Jaipur.

-----Respondents

7. S.B. Civil Contempt Petition No. 550/2019

Bhanwar Singh Khinchi S/o Shri Jawahar Singh Khinchi, Aged About 78 Years, Resident Of Village Baxpura, Post Office Cheehat, Tehsil Ramganj, Mandi, District Kota (S. No. 156 In Seniority List Dated 11.12.92) (Petitioner No. 9 Of Writ Petition)

-----Petitioner

Versus

1. Dr. R. Venkateshwaran, Principal Secretary, Department Of Education, Secretariat, Jaipur
2. Nathmal Didel (I.a.s.) Director, Directorate, Secondary Education, Rajasthan, Bikaner-334001
3. State Of Rajasthan Through Secretary, Education Department, Government Secretariat, Jaipur

-----Respondents

8. S.B. Civil Contempt Petition No. 715/2019

Ram Charan Lal Sharma S/o Late Shri B.I. Sharma, Aged About 82 Years, R/o Okay Plus Green Heights, Kanak Vrandawan Township, Sirsi Road, Jaipur

-----Petitioner

Versus

1. State Of Rajasthan Through Principal Secretary, Department Of Physical Education, School Education, Government Of Rajasthan, Government Secretariat, Jaipur
2. Shri Nathmal Didel, Presently Working as Director, Department Of Secondary School Education, Administrative Building Shiksha Sankul, J.I.n. Marg, Jaipur (Rajasthan)
3. Shri S.k. Pandey, Presently Working As Secretary, Govt. Of India, Ministry Of Youth Affairs And Sports, Department Of Youth Affairs, Shastri Bhawan, New Delhi
4. Shri R. Venkateswaran Presently Working As Principal Secretary, Department Of Physical Education, School Education Government Of Rajasthan, Secretariat, Jaipur

----Respondents

9. S.B. Civil Contempt Petition No. 1383/2019

1. Smt. Janki Devi Sood D/o Shri Fakir Chand Sood, Aged About 74 Years, Resident Of C/o Ajay Kumar Arora Advocate, Gokul Colony Kundan Nagar, Ajmer (S.no. 164 In Seniority List Dated 11.12.1992/1993)
2. Gauri Shankar Sharma S/o Late Shri Mohan Lal Sharma, Aged About 75 Years, Resident Of Pitra Kripa, Near Prakash Clinic, Fai Sagar Road, Ajmer (S.no. 113 In Seniority No. 8(113) In Seniority Dated 24.7.92)

----Petitioners

Versus

1. Dr. R. Venkateshwaran, Principal Secretary, Department Of Education, Secretariat, Jaipur
2. Nathmal Didel, (I.a.s) Director, Directorate Secondary Education, Rajasthan Bikaner 334001
3. State Of Rajasthan Through Secretary, Education Department, Government Secretariat, Jaipur

----Respondents

10. S.B. Civil Contempt Petition No. 1392/2019

1. Narendra H. John S/o Shri S.v. John, Aged About 77 Years, Resident Of 323/4 Zabin Manzil, Todarmal Marg, Ajmer (Rajasthan) (S.no. 91 In Seniority List Dated 11.12.1992/1993)

2. Babu Lal Tak S/o Shri Bux Tak, R/o 389-A/28, Near Old Post Office, Bhajan Ganj, Ajmer (S.no. 90 In Seniority List Dated 11.12.1992/1993)
3. Gulab Singh Ubana S/o Shri Bhanwar Lal Ubana, Aged About 74 Years, Resident Of 497/40, mali Mohalla, Gulab Bari, Ajmer (S.no. 113 In Seniority List Dated 11.12.1992/1993)
4. Suresh Chandra Tak S/o Shri Chittar Mal Tak, Aged About 75 Years, Resident Of 1331, Near Railway Lain Gali No. 11, Subhash Nagar, Ajmer 305001 (S.no. 128 In Seniority List Dated 11.12.1992/1993)

-----Petitioners

Versus

1. Dr. R. Venkateshwaran, Principal Secretary, Department Of Education, Secretariat, Jaipur
2. Nathmal Didel, (I.a.s) Director, Directorate Secondary Education, Rajasthan Bikaner 334001
3. State Of Rajasthan Through Secretary, Education Department, Government Secretariat, Jaipur

-----Respondents

11. S.B. Civil Contempt Petition No. 1434/2019

Suresh Kumar Saxena S/o Shri Shyam Lal Saxena, Aged About 75 Years, Resident Of Near Shakkar Kui, Nayabas, Alwar (S.no. 97 In Seniority List Dt. 11.12.1992/1993)

-----Petitioner

Versus

1. Dr. R. Venkateshwaran Principal Secretary, Department Of Education, Secretariat, Jaipur
2. Nathmal Didel (IAS) Director, Directorate, Secondary Education, Rajasthan, Bikaner-334001
3. State Of Rajasthan Through Secretary, Education Department, Government Secretariat, Jaipur

-----Respondents

12. S.B. Civil Contempt Petition No. 1435/2019

1. Lallu Ram Chedwal S/o Shri Ram Dhan Chedwal, Aged About 75 Years, Resident Of House No. B/29, Ram Nagar, Dayanand Colony, Ajmer Rajasthan (S.no. 83 In Seniority List Dated 11.12.1992/1993)

2. Smt. Asha Teckchandani Wo And Nominee Of Late Shri Ghanshyam Das Tekchandani (Retired NDSI), 39 A, Kundan Nagar, Nathji Mandir Marg, Ajmer (S.no. 102 In Seniority List Dated 11.12.1992/1993)
3. Sudarshan Dutta Sharma S/o Shri Raja Ram Ji Sharma, Aged About 75 Years, Resident Of Ramagya N-27, Sagar Vihar Colony, Vaishali Nagar, Ajmer (S.no. 124 In Office Order Dated 22.10.96)

-----Petitioners

Versus

1. Dr. R. Venkateshwaran, Principal Secretary, Department Of Education, Secretariat, Jaipur
2. Nathmal Didel, (IAS) Director, Directorate Secondary Education, Rajasthan Bikaner 334001
3. State Of Rajasthan Through Secretary, Education Department, Government Secretariat, Jaipur

-----Respondents

For Petitioner(s)	:	Mr. P S Tomar with Mr. M K Dhakad through VC Mr. Devi Singh Choudhary through VC Mr. Sorabh Purohit through VC
For Respondent(s)	:	Mr. Ganesh Meena, AAG through VC

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

17/01/2022

1. In all these contempt petitions, the lead case was filed by Balram Varma by way of SB Civil Writ Petition No.18106/2012, which was decided vide judgment dated 18.11.2017, thereafter, on the basis of said judgment, all subsequent writ petitions filed by other petitioners were decided following the judgment passed in case of Balram Varma. In Balram Varma's case, the Government has made compliance of judgment dated 18.11.2017, however, in awaiting the financial sanction, actual payment of benefits is due.

2. Learned counsel for respondents submit that in other contempt petitions also, the concerned District Education Officer have also passed an order to grant pay scale and revise pensions as has been done in case of Balram Varma. Nevertheless, most of petitioners were retired almost 15 years back, therefore, in tracing their record and seeking financial approval to revise pensions will take considerable time. The cases of all petitioners are under consideration before respondents. As far as directions to decide representation of petitioners in light of judgment passed in Balram Varma's case, their representations have been decided and respective orders have been passed by District Education Officer to revise pay scale and benefits in their pension accordingly.

3. Learned counsel for respondents has also placed on record copy of order dated 30.07.2020, whereby one SB Civil Contempt Petition No.89/2019 filed by Jagmohan Lal Sharma, Shri Chand Verma & Smt. Bhawagti Devi Paliwal, was dismissed taking note that they were retired employees of almost 15 years back and contempt proceedings cannot be made as a tool for a stale claim. Thus, counsel for respondents submits that all contempt proceedings be disposed of accordingly.

4. After considering material available on record, it is clear that all petitioners are retired employees and their claim for grant of revision of pay scale and to revise their pensions is near about 15 years old after their retirement. Writ petitions of all petitioners except one- Balram Varma were disposed of for consideration of their representation in light of judgment passed in case of Balram Varma. Although, for few writ petitioners' contempt petition was dismissed by Coordinate Bench of this High Court vide order dated

30.07.2020 in SB Civil Contempt Petition No.89/2019. However, considering the submission of respondents that representations have been decided by concerned District Education Officer in favour of petitioners and actual benefits are payable only after approval of financial sanction in respect of each petitioner, this Court is not inclined to dismiss the contempt petitions.

5. These contempt petitions are pending for about 4 years and in backdrop of aforesaid facts, there is no fruitful purpose to keep contempt petitions pending. Respondents have already decided representations of petitioners and further matter is under consideration for financial sanction. Therefore, all these contempt petitions are disposed of at this stage.

6. In case, petitioners feel aggrieved by inaction of respondents, they may take appropriate remedy available in law. Notices of contempt against respondents in all contempt petitions stand discharged.

7. All pending applications, if any also stand disposed of.

(SUDESH BANSAL),J