

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

D.B. Civil Contempt Petition No. 356/2021

In

D.B. Civil Writ Petition No. 597/2012

R.P. Meena S/o Shri S. L. Meena aged about 54 years, Resident
of 275-B, Railway Officer Colony, Ganpati Nagar, Jaipur

-----Petitioner

Versus

1. R.N. Singh, Secretary, Railway Board, Rail Bhawan, New
Delhi-110001

1/1. Smt. Jayavarma Sinha, IRTS, Additional Member (Traffic),
Railway Board holding the duties of the post of Secretary,
Railway Board

2. Vijay Sharma, General Manager, North Western Railway, Head
Quarter Office, Jawahar Circle, Jaipur-302017 (Rajasthan)

3. Shri G.R.S. Rao (The Then Deputy CPO), now holding the
posting of Chief Personnel Officer (CPO), Administration, South
Western Railway, Gadag Road, Hubli, Karnataka

-----Respondents

For Petitioner(s)	:	Mr. Tanveer Ahamad with Mr. Manish Parihar
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For Respondent(s)	:	Mr. Anand Sharma with Mr. Namandeep Singh
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**HON'BLE MR. JUSTICE ASHOK KUMAR GAUR
HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

Order

15/02/2023

The present contempt petition has been filed by the
petitioner alleging willful disobedience of order passed by the
Division Bench of this Court on 12.07.2017.

Learned counsel for the petitioner submitted that the
petitioner had preferred the D.B. Civil Writ Petition No.597/2012



before this Court challenging the order passed by Central Administrative Tribunal.

Learned counsel submitted that this Court after considering rival submissions found that penalty of reduction of two stages in time-scale for a period of two years with future effect was required to be substituted by reducing the penalty from two increments to one increment with future effect.

Learned counsel submitted that though special leave petition was filed by the petitioner before the Apex Court, however the same was not entertained and the same came to be dismissed vide order dated 12.02.2018.

Learned counsel for the petitioner further submitted that the petitioner had earlier filed D.B. Civil Contempt Petition No.1953/2017 and on statement being made on behalf of respondent-contemnors, this Court on 03.05.2018, passed an order, that the order passed by this Court earlier was substantially complied with and if the amount of Rs.1,64,554/- was not paid to the petitioner, liberty was granted to revive the contempt matter in case of difficulty.

Learned counsel further submitted that on account of non-compliance of the order passed by this Court and not giving effect to the original order, the petitioner has been constrained to file the present petition.

Learned counsel further submitted that once the Division Bench had substituted the penalty from two increments to one increment with future effect, the consequential orders were required to be passed and further the said penalty could alone

have been taken into account for the purpose of compulsory retirement instead of old service record of the petitioner.

Learned counsel further submitted that the respondents-contemnors while taking the original order into account subsequently passed the order of compulsory retirement of the petitioner dated 09.12.2019 and the petitioner had no other option but to approach this Court by filing the present contempt petition for taking an appropriate action against the respondents-contemnors for violating the order dated 12.07.2017 and further not substantially complying with the order dated 03.05.2018 passed by the Division Bench of this Court.

Per contra, learned counsel for the respondents submitted that the present contempt petition may not be entertained by this Court as the respondents had already passed an order/memorandum dated 12.03.2018 whereby the penalty imposed on the petitioner, was substituted and the pay of the petitioner was also fixed accordingly.

Learned counsel further submits that an additional affidavit has been filed on behalf of the respondents-contemnors, wherein it has been stated on behalf of the respondents that the order of compulsory retirement of the petitioner is already subject matter of challenge before Central Administrative Tribunal by filing separate original application by the petitioner and the same is still pending.

Learned counsel further submitted that the scope of the contempt petition is limited and this Court will not be in position to examine the validity of the subsequent orders by considering the service record of the petitioner.



Heard learned counsel for the parties.

This Court finds that the order dated 12.07.2017 was subsequently complied with by the respondents-contemnors while issuing the order dated 12.03.2018. This Court further finds that the subsequent order of 'compulsory retirement' passed against the petitioner is already subject matter of challenge before the Central Administrative Tribunal.

This Court in contempt petition would not be in a position to judge the validity of subsequent order passed by the respondents and it would be appropriate for the Court/Tribunal concerned to adjudicate the matter. However, the petitioner would be at liberty to raise his grievances before the Competent Court.

Accordingly, this Court finds that the present contempt petition needs to be rejected and the notices are accordingly discharged.

(ASHUTOSH KUMAR),J

(ASHOK KUMAR GAUR),J