HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Contempt Petition No. 923/2020
CNR: RJHC020718032020 | URN: CCP / 957U / 2020

1 Babu Lal Verma S/o Shri Gokul Chand Verma, Aged About 61 Years, R/o Village Digawada, Tehsil Rajgarh, District Alwar (Raj)

2 Shri Mukut Vihari Lal S/o Shri Gopal Lal, Aged About 64 Years, R/o House No. 1880, Jai Lal Munshi Ka Rasta, Pehla Chauraha, Purani Basti, Chandpole Bazar, Jaipur (Raj)

3 Bala Ram Saini S/o Shri Ramchandar Saini, Aged About 74 Years, R/o Plot No. 9, Road, No. 2, Sadh Wala Kuwa, Scheme No. 1, Alwar, District Alwar (Raj)

4 Babu Lal Sharma S/o Shri Nanag Ram Sharma, Aged About 76 Years, R/o Near Plot No. 347, Scheme No. 1, Vistar Yojana, Alwar, District Alwar (Raj)

----Petitioners

Versus

1 The State Of Rajasthan, Through The Principal Secretary, Public Health And Engineering Department, Govt. Of Rajasthan, Secretariat, Jaipur (Raj)

2 Shri Naveen Mahajan, Principal Secretary, Public Health And Engineering Department, Govt. Of Rajasthan, Secretariat, Jaipur (Raj)

3 Shri Sandeep Sharma, The Chief Engineer (Admn.), Public Health And Engineering Department, Govt. Of Rajasthan Jal Bhawan, Jaipur (Raj)

4 Shri Jagat Tiwari, Superintending Engineer, Public Health And Engineering Department, Circle Alwar (Raj)

5 Shri Satish Jain, Superintending Engineer, Public Health And Engineering Department, Gandhi Nagar, Jaipur (Raj)

6 Shri Sumit Kumar Gupta, Superintending Engineer, Public Health And Engineering Department, Chhittorgarh, (Raj)

----Respondents

For Petitioner(s) : Mr. Mahendra Kumar Sharma
For Respondent(s) : Mr. Kuldeep Singh Rathore, AAAG &
Ms. Chelsi Agarwal, AAAG for

Ms. Mahi Yadav, AAG
Mr. Mukesh Kumar Bansal, Chief Engineer, PHED present in person

---

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

29/10/2026

1. Mr. Mukesh Kumar Bansal, Chief Engineer, PHED is present in person in compliance of order dated 15.10.2026.

2. This contempt petition has been filed by the petitioners alleging non-compliance of the order dated 16.02.2017 passed in S. B. Civil Writ Petition No. 14456/2016 and other connected matters, whereby the Court directed the respondents to allow selection grade to the petitioners on completion of 18 & 27 years of service as per para-5 of the notification dated 25.01.1992 followed by 17.02.1998.

3. The petitioners, who filed this contempt petition were not party in the writ petitions which were disposed vide order dated 16.02.2017, which is subject matter of this contempt petition.

4. Learned counsel for the petitioners submits that since order dated 16.02.2017 was declared to be an order in rem, the petitioners who are similarly situated to the petitioners in the writ petition also deserve the same benefits and the respondents are under obligation to extend the same benefits to the petitioners.

5. Learned counsel for the respondents submits that in view of the certain facts the petitioners cannot be said to be the similarly situated person as like the petitioners in the writ petition which were disposed vide order dated 16.02.2017 and, therefore, they

cannot claim the same benefits as extended to the petitioners in those writ petitions.

6. Learned counsel for the petitioners further submits that the Department 'Public Health Engineering Department', vide order dated 03.10.2023, has given out the reasons for not extending the benefits as ordered vide order dated 16.02.2017 and has also given the reasons that case of the petitioners is not similar to them.

7. The copy of the order dated 03.10.2023 has been filed along with the application submitted by the respondents.

8. Whether the case of the petitioners is similar to that case of the petitioners in writ petitions, which were disposed vide order dated 16.02.2017, which is subject matter of this contempt petition, can only be adjudicated upon after the complete facts of the petitioners are placed on record and any counter to that facts is submitted by the respondents and that too in the writ jurisdiction and not in the contempt jurisdiction.

9. In contempt jurisdiction, the Court has to see whether the respondents worked as per the directions given by the Court and whether the direction is applicable to the petitioner or not.

10. Since, the respondents dispute the fact that the petitioners are similarly situated persons as like the petitioners in the writ petitions decided vide order dated 16.02.2017, this Court in the contempt jurisdiction cannot adjudicate the issue of similarity.

12. Accordingly, in opinion of this Court, this Court finds no cause for initiating contempt proceedings arises against the respondents is made out. Hence this contempt petition is dismissed.

13. However, the petitioners would be at liberty to avail the appropriate remedy available to her under law, if there remains any other grievance of the petitioners.

(GANESH RAM MEENA),J

81/RAVINDRA