

(2025) 08 RAJ CK 0506

In the Rajasthan High Court, Jodhpur Bench

Case No : Civil Contempt Petition No. 1666 Of 2018

Anil Kumar Mathur

APPELLANT

Vs

Ashutosh

RESPONDENT

Date of Decision : 21-08-2025

Acts Referred:

Indian Penal Code, 1860 — Section 109, 406, 494, 498(A)

Code of Criminal Procedure, 1973 — Section 125, 200, 202, 313

Citation : (2025) 08 RAJ CK 0506

Hon'ble Judges : Farjand Ali, J

Bench : Division Bench

Advocate : D.S. Gharsana, Ram Choudhary, Manjeet Godara

Final Decision : Dismissed

Judgement

Sanjeev Prakash Sharma, J

1. Taking cue from observations made by a Division Bench of this Court in D.B. Special Appeal (Writ) No.663/2015-State of Rajasthan & Anr. Vs. The Management Committee Sh. Bhagwan Das Todi College & two other connected appeals decided on 06.11.2015, these contempt petitions have been filed in the years 2017, 2018, 2021, 2022, 2023, 2024 and 2025 alleging non-compliance of the said judgment.

2. The petitioners surprisingly are those who never preferred any petition claiming their rights either before this Court or before the Educational Tribunal which deals with cases relating to teachers working in aided and recognized institutions. Nonetheless, all of them claim their rights to flow from the judgment passed by this Court in the case relating to an appeal preferred by State of Rajasthan and one Managing Committee of Bhagwan Das Todi College, which were decided commonly by order dated 06.11.2015.

3. Before we proceed to examine the present contempt petitions, it would be apposite to notice the orders passed from time to time at the behest of these

petitioners and others reflecting the abuse of process of law in Bhagwan Das Todi's case cited (supra), wherein the Division Bench of this Court made following observations:-

"The Special Appeals filed by the State Government are without substance and accordingly dismissed and taking note of the Sec.31(2) of the Act, 1989 we direct the Non-Government Educational Institutions to prepare due drawn statement of each of the employees of their Institution who have worked against sanctioned

& aided posts in regard to their arrears of salary and other dues which are approved expenditures to the extent of grant-in-aid and the same be sent to the State Government and the State Government after its due verification from their records will make payment of arrears to each of the employee who either have now become members of Rules, 2010 or have retired or left the job (upto the period one has worked) and to other employees similarly situated under intimation to the concerned Non- Government Recognized Institution. However, it may not remain confined to such of the employees who are covered under the present litigation and since the employees of the State Government and the Non-Government Aided Institution are under litigation at various levels either before the Id.Tribunal or in this Court and after this issue being settled by us, we consider it appropriate that let this order be made applicable mutatis mutandis to all such employees who are similarly situated, in the manner as directed by this court and indicated above. The Non-Government Aided Institutions shall ensure compliance of this order within two months and the State Government shall ensure compliance in letter & spirit within two months thereafter by making actual payment to the employee of the Non-Government Aided Institutions. With these directions, all the special appeals stand disposed of, in the above terms. There shall be no order as to costs."

3.1. The aforesaid judgment was treated by the petitioners to be a verdict allowing them to claim their rights directly by filing representation or legal notice to their respective Managing Committees of the schools where they were working as well as to the State Government through their schools where they have now joined after the Rajasthan Voluntary Rural Education Rules, 2010 (for short 'the Rules of 2010') had come into force and thereafter, they filed contempt petitions before the Court directly claiming their rights as if they were the writ-petitioners or direct beneficiaries under the decision given by the Court. None of them mentioned their facts and the exact claim, however, each and everyone vaguely stated of having not received their due amount from the Managing Committee including the arrears of pay under the 5th Pay Commission or the 6th Pay Commission. Their claim was in a generalized fashion.

4. Without going into the aspect regarding maintainability of the contempt petitions, bunch of contempt petitions were filed in the year 2016 before this Court, lead case being D.B. Civil

Contempt Petition No.1200/2016- Managing Committee Shri Bhagwan Das Todi College, Lachhmangarh, Sikar, Rajasthan Vs. Shri Rajhans Upadhyay Additional Chief Secretary & Anr., wherein Coordinate Bench of this Court vide order dated 30.11.2017 noticed as under:-

"2. The matter was adjourned from time to time. It seems that there are serious dispute regarding the pay scale and other calculations like increment given to the employees by management and correct data are not supplied to the Government. Therefore, the government is not updated.

3. In that view of the matter, it will be very difficult for us to hold that it is deliberate omission on the part of the respondents which can call for interference under Contempt Of Courts Act.

4. However, looking to the over all circumstances of the case, we are of the considered opinion that the matters are required to be attended by the highest officers of the concern department namely Commissioner College Education, Secretary School Education, Secretary Sanskrit Education, Secretary Technical Education, who will look into the matters."

Division Bench of this Court made following directions:-

"5. Therefore, in all these matters, we issue the following directions:-

1. The directions which are issued are required to be complied with by the respondents in its true spirit.

2. All these contempt petitions will be treated as representation to the concerned Secretary. Copy of the same will be given to the concern Secretary by the petitioners and office is directed to give copy of the same to each of counsel who is appearing for the department.

3. Notice will be issued to management by the Secretary for fixing date of hearing which reads as under:

In Contempt Petition No.1200/2016, 1639/2016, 1640/2016, 1671/2016 & 209/2017 fixed on 18th December, 2017 and every five matters everyday thereafter and hearing will be fixed on all working days.

4. The matters will be heard within 30 days from the date of hearing and payment will be made within 15 days from the date of the order as stated hereinabove.

5. The officers concern will hear the petitioners as well as officers of the department and representative of Management and will pass a reasoned order for accepting or not accepting the claim of the petitioners.

6. All these formalities will be completed on or before 25 January, 2018 and payment will be made on or before 15th February, 2018.

7. After this order is passed by the authority, if any of the party is aggrieved by

the order, it will be open for him to challenge by way of writ or file a contempt proceedings before this Court.

6. One of the grievance which has been made is that the Bank statements are called for. In our considered opinion, instead of Bank statement, if the balance-sheet of the concerned Trust/Management is produced on record, the government will verify record of Trust/Management on the basis of balance-sheet.

7. If the Management is not cooperating, it is presumed that they are not obeying the order of the Court and the government will decide to deduct their contribution towards grant but payment is to be made to the petitioners."

5. It appears that interregnum the orders passed by this Court in contempt petitions, although there was no order passed by any Court adjudicating the rights of the petitioners, who had filed contempt petitions, the State Government examined the cases of these persons who had come before the Court showing respect to the Court's order and several of them were given benefits and payments were released after the institutes verified their claim. Second round of contempt petition was again filed by teachers who belong to other set of institutes and colleges. Neither the concerned schools or the colleges were party before the Court in Bhagwan Das Todi (supra), nor the facts were available before the Court, but bunch of 268 contempt petitions was decided on 01.12.2021, lead case being D.B. Civil Contempt Petition No.740/2016- Shri Banwari Lal Bhukar & Anr. Vs. Anoop Khinchi, Commissioner, College Education & Ors., wherein the Division Bench of this Court passed following directions:-

"Consequently, following directions were issued in that particular case:

"We, therefore, reject the submissions advanced on behalf of the State Government and direct that:

(a) The admitted amount to which the respondent No.1 herein is entitled to, shall be made over to her by the State Government within eight weeks.

(b) The State shall, in accordance with law, be entitled to recover this money from the institution if such, institution had drawn grant in-aid in excess of its entitlement.

(c) If any employees of the State had not discharged their duties in checking the affairs of the institution, the State shall also be entitled to proceed against such employees, in a manner known to law.

We, therefore, dismiss this Special Leave Petition."

The batch of 268 contempt petitions as well as civil miscellaneous applications in hand before us have been filed by large number of teachers/employees, raising various grievances. In all the cases, the grievance of the teachers/employees has been that the order passed by this Court way back in 2015 directing various benefits to be extended has not been complied with till date. In some cases, the payments, as claimed by the teachers/employees have not been made. In some

cases, it is the grievance that nothing has been released so far. Yet in another batch of cases, a grievance has been made out that certain payments which were required to be made by the Educational Institutions have not been made. We extensively heard the leading arguments from the side of the contempt petitioners/applicants, learned Additional Advocate General and also Private Non Unaided Institutions. Not only dispute has been adjudicated by this Court, which has attained finality, in various contempt petitions where orders have been passed from time to time, supplementary directions have also been issued by this Court. In some cases, where the State had withheld payment raising certain contentions, have ultimately been rejected by the Supreme Court as is clear from order dated 09.09.2021 (supra). At this stage, the State is required to extend the benefits flowing from the orders of this Court and which have remained undecided and not released at the earliest. There is no need for us to keep on issuing directions one after the other, only to remind the State Authorities and the Educational Institutions of their respective exercises required to be undertaken but remained inconclusive since more than five years. It is high time that the payments to the teachers/employees in terms of the orders passed by this court are made at the earliest.

Needless to emphasise that after the orders, which have been passed by the Supreme Court on 09.09.2021 in the case of State of Rajasthan Versus Manju Saxena & Ors. (supra), the defence raised in those cases will no longer be available to the State Government and for that reason, no payments can be withheld. Learned counsel for the parties stated before us that the payments which are required to be released in favour of the teachers/employees have to be dealt with department wise as the contempt petitioners/applicants belong to different authorities. These authorities are Commissionerate, College Education; Directorate School Education; Directorate Sanskrit Education; Directorate Technical Education; Directorate Secondary Education; Directorate Agriculture Education; and Directorate Ayurveda Education. Each of the Directorate is now required to proceed to release payments in terms of the directions issued by this Court earlier on 06.11.2015 in D.B. Special Appeal (Writ) No. 663/2015 and connected appeals and clarificatory directions issued subsequently in various contempt petitions, referred to hereinabove, without further loss of time.

It shall be an obligation on the part of each of the Directorate, which has been referred to above, to immediately release the dues payable to the teachers/employees as per the directions issued by this Court from time to time and the directions which have already been issued by the Supreme Court on 09.09.2021 in the case of State of Rajasthan Versus Manju Saxena & Ors. (supra) wherein, the Supreme Court had directed compliance to be made within a period of eight weeks.

A brief, but clear order regarding compliance of each of the contempt petitioners/applicants will have to be passed by the concerned Directorate within a period of ten weeks from today. The orders in respect of each of the contempt petitioners/

applicants, which are required to be passed clearly stating compliance of the order, shall be reported directly to the Registry of this Court, which shall be placed before this Court under a separate registered case.

With the aforesaid observations and directions, the contempt petitions/civil miscellaneous applications, at this stage are disposed off, however, with liberty to revive, if any individual grievance still remains unredressed. We must make it absolutely clear that if ultimately we find that despite this order, the benefits, which the teachers/employees were entitled to, have not been released, this court may take a very serious view of the matter and erring officials will have to be proceeded against strictly in accordance with law resulting in all serious consequences, which an individual case may deserve.

A copy of this order be placed on record of each connected petition/application."

6. In view of the liberty granted, one of the contempt petitions was revived by the petitioner whereafter, other bunch of contempt petitions was filed and tagged alongwith revived contempt petitions in the years 2017, 2018, 2021, 2022, 2023, 2024 and 2025, claiming same kind of benefits without giving details or the specific claims.

7. In view of the observations made by this Court while deciding contempt petition on 01.12.2021, several Officers were called personally to the Court from time to time.

8. Mr. G.S.Gill, learned Additional Advocate General has invited our attention to the aforesaid facts and submits that there has been no adjudication relating to the so-called claims of all the petitioners, nor they have chosen to file any claim petition either before the Educational Tribunal or before this Court. There is no verdict in their favour, but on the basis of earlier contempt petitions having been entertained and directions given in the contempt petitions, while exercising contempt jurisdiction, which is in the nature of writ, petitioners are seeking benefits which may not be available to them. He has raised question of jurisdiction of passing the orders in contempt petitions which is in the nature of directions and submits that adequate opportunity to contest the case is not available in contempt proceedings, as the contempt proceedings are in the nature of execution. In order to maintain a contempt proceeding, one must be able to bring before the Court a deliberate and willful disobedience having been committed of an order passed in favour of any individual. By way of contempt petitions, claims cannot be settled and left open to the State Government authorities in turn to decide.

9. Learned counsels who are appearing on behalf of the petitioners in the respective cases have however, submitted that once there are directions issued in contempt proceedings, the same are binding and are required to be complied with. It is also further submitted by the learned Counsels that the judgment passed in the case Bhagwan Das Todi (supra) was a judgment in

rem and would, therefore, be applicable to the petitioners and they were not required to file writ petition or the appeal before the Educational Tribunal for adjudication of claim and it was the duty of the State to examine and pass orders with regard to the petitioners. In support of their submissions, learned counsels have

also relied on the judgments passed by the Supreme Court in the cases of State of Uttar Pradesh and Others Vs. Arvind Kumar Srivastava and Others, (2015) 1 SCC 347 and Girish Mittal Vs. Parvati V. Sundaram & Anr., (2019) 20 SCC 747.

10. Learned counsels have also submitted that earlier one set of contempt petition was decided and order was passed on 09.04.2019 by this Court initiating contempt proceedings. Against the said order dated 09.04.2019, State Government preferred Special Leave to Appeal (C) No.13791/2019-State of Rajasthan Vs. Manju Saxena & Ors. and the Supreme Court dismissed the SLP vide order dated 09.09.2021 issuing directions which were also required to be followed in the cases of the present petitioners.

11. We have considered the submissions.

12. We are reminded of the judgment passed by the Supreme Court in the case of J.S. Parihar Vs. Ganpat Duggar and Others-(1996) 6 SCC 291, wherein three Judges bench of the Supreme Court has observed as under:-

"6. The question then is whether the Division Bench) was right in setting aside the direction issued by the learned single Judge to redraw the seniority list. It is contended by Mr. S.K. Jain, learned counsel appearing for the appellant, that unless the learned Judge goes into the correctness of the decision taken by the Government in preparation of the seniority list in the light of the law laid down by three Benches, the learned Judge cannot come to a conclusion whether or not the respondent had wilfully or deliberately disobeyed the orders of the Court as defined under Section 2(b) of the Act. Therefore, the learned single Judge of the High Court necessarily has to go into the merits of that question. We do not find that the contention is well founded. It is seen that, admittedly, the respondents had prepared the seniority list on 2.7.1991 Subsequently promotions came to be made. The question is whether seniority list is open to review in the contempt proceedings to find out, whether it is in conformity with the directions issued by the earlier Benches. It is seen that once there is an order passed by the Government on the basis of the directions issued by the Court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the wilful violation of the order. After re-exercising the judicial review in contempt proceedings, afresh direction by the learned single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt

proceedings. It would not be permissible under Section 12 of the Act. Therefore, the Division Bench has exercised the power under Section 18 of the Rajasthan High Court Ordinance being a judgment or order of the single Judge; the Division Bench corrected the mistake committed by the learned single Judge. Therefore, it may not be necessary for the State to file an appeal in this Court against the judgment of the learned single Judge when the matter was already seized of the Division Bench.

7. The appeals are accordingly dismissed. It may be open to the aggrieved party to assail the correctness of the seniority list prepared by the State Government, if it is not in conformity with the directions issued by the High Court, if they so advised, in an appropriate forum. No costs.”

12.1. The view taken by the Supreme Court in J.S.Parihar (supra)

has been reiterated in Snehasis Giri Vs. Subhasis Mitra-(2023) 18 SCC 529. In Snehasis Giri (supra), it was held that in contempt proceedings of almost like persons, interim orders were passed on the basis that benefits were not confined and relief not granted only to the parties to the litigation but that the directions had the effect of in rem adjudication. The Court, therefore, directed the respondent contemnors to verify from the record with respect to entitlement of all the contempt petitioners but urged that there are express directions of this Court to release salaries of the contempt petitioners without insisting on verifying genuineness of their claims. Considering all the aspects, Hon'ble the Supreme Court has held as under:-

“10. Furthermore, there is merit in the respondents’ submission that the court, in contempt proceeding cannot enlarge its scope and examine matters which are not part of its remit, i.e. extent of the direction or orders contained in the judgement of which contempt is being alleged. In fact, in the decision in Sudhir Vasudeva (supra), it was held as follows:

“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. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. 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 wilful 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 trenched 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. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, Jhareswar Prasad Paul v. Tarak Nath Ganguly[(2002) 5 SCC 352] , V.M. Manohar Prasad v. N. Ratnam Raju [(2004) 13 SCC 610], Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami [(2008) 5 SCC 339] and Union of India v. Subedar Devassy PV [(2006) 1 SCC 613].”

11. In the present case too, this court is of the opinion that the respondents’ stand that without verification of the petitioners’ appointment and whether the procedures prescribed were duly followed in respect of matters such as fulfilling eligibility conditions (essential qualifications and relevant experience); availability of vacancy; staff pattern in respect of madrasas where recognition was granted and if so for what period; whether the institution was aided and recognized or not or recognized and non-aided, and if so for what duration; whether a duly empowered selection body or bodies considered the candidature of the claimant before he/she was appointed and whether the committee or body selecting the individual/claimant was constituted in accordance with the rules or guidelines, etc is justified. In these circumstances, this court is of the opinion that further proceedings cannot be continued as no determination can be made unless there is a due verification in regard to the employment of each of the petitioners.

12. Furthermore, this court, in lawful exercise of contempt jurisdiction, cannot examine the merits of a decision, whether the state or the madrasa’s stand that any of the petitioners is entitled to the benefits of being treated as an employee, having regard to the concerned rules and regulations. In J.S. Parihar v. Ganpat Duggar³ this court explained the limited scope of contempt proceedings, as follows, in the facts of the case:

“6. The question then is whether the Division Bench was right in setting aside the direction issued by the learned Single Judge to redraw the seniority list. It is contended by Mr S.K. Jain, the learned counsel appearing for the appellant, that unless the learned Judge goes into the correctness of the decision taken by the Government in preparation of the seniority list in the light of the law laid down by three Benches, the learned Judge cannot come to a conclusion whether or not the respondent had wilfully or deliberately disobeyed the orders of the Court as defined under Section 2(b) of the Act. Therefore, the learned Single Judge of the High Court necessarily has to go into the merits of that question. We do not find that the contention is well founded. It is seen that, admittedly, the respondents had prepared the seniority list on 2-7-1991. Subsequently promotions came to be made. The question is whether seniority list is open to review in the contempt

proceedings to find out whether it is in conformity with the directions issued by the earlier Benches. It is seen that once there is an order passed by the Government on the basis of the directions issued by the court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the wilful violation of the order. After re-exercising the judicial review in contempt proceedings, a fresh direction by the learned Single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt proceedings. It would not be permissible under Section 12 of the Act. Therefore, the Division Bench has exercised the power under Section 18 of the Rajasthan High Court Ordinance being a judgment or order of the Single Judge; the Division Bench corrected the mistake committed by the learned Single Judge. Therefore, it may not be necessary for the State to file an appeal in this Court against the judgment of the learned Single Judge when the matter was already seized of the Division Bench."

12.2. The Supreme Court exercising its powers under Article 142 of the Constitution of India, thereafter constituted a Committee to examine the claims of the petitioners.

13. We noticed that in none of the orders passed by the Court, the question regarding maintainability of the contempt petition was examined.

14. It would be apposite to notice the provisions of Section 2 (b) of Contempt of Court's Act, 1971 (for short 'the Act of 1971'):-

"2. Definitions.....

(a)-----

(b) "civil contempt" means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;"

14.1. Section 12 of the Act of 1971 reads as under:-

"12. Punishment for contempt of court.—

(1) Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Explanation.—An apology shall not be rejected merely on the ground that it is

qualified or conditional if the accused makes it bona fide.

(2) Notwithstanding anything contained in any other law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section

(1) for any contempt either in respect of itself or of a court subordinate to it.

(3) Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that he be detained in a civil prison for such period not exceeding six months as it may think fit.

(4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person:

Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

(5) Notwithstanding anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer.

Explanation.—For the purposes of sub-sections (4) and (5),—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.”

14.2. Hon'ble Supreme Court noticed the law as laid down in J.S. Parihar (supra) and Snehasis Giris (supra).

15. The petitioners' contention of the judgment in the case of Bhagwan Das Todi (supra) being in rem and, therefore, no separate petition/application would require to be filed is found to be misconceived. The claims of the contempt petitioners are based upon separate set of fact with regard to the period of engagement, the institutes are different, the question as to when the employee was posted on the aided post and what aid was being received against their posts are all facts for which, finding is required to be given in each individual

case. Such findings cannot be given in contempt proceedings. No reply can be received on facts in contempt proceedings. The nature of their termination/retirement/disengagement from such institution would also be looked into.

16. A close reading of the concluding para of the judgment passed in *Bhagwan Das Todi'* (supra), clearly shows that the Hon'ble Division Bench has held that the said judgment is not confined to the employees therein but also applies to several other employees who have either filed the writ petition or raised objections before the learned Tribunal. In the said context the Hon'ble Division Bench has held that the principle laid down in the said case would also be applicable in case of other similarly situated persons. The 'term similarly situated' used in the said para cannot be read in isolation but the same is required to be read in the context, which clearly shows that the intention of the Hon'ble Division Bench is to make the principle laid down in the said case applicable also with regard to the petitioners who have already raised their grievance and submitted their independent claims before this Hon'ble Court or before the learned Tribunal. The intention of the Hon'ble Division Bench emerging of the said judgment read in its entirety is very clear that although the individual employee was required to establish their entitlement with regard to the benefits arising from their services rendered in the aided institution, however the said entitlement was to be adjudicated in view of the principles laid down in the case of *Bhagwan Das Todi'* (supra). In our opinion the contempt petitioners have misconstrued the intention of the Hon'ble Division Bench and without first getting their entitlement / claim independently adjudicated before this Hon'ble Court or before the learned Tribunal have straightway proceeded to file the contempt petition before this Hon'ble Division Bench meaning thereby the contempt of Court is alleged without there being any adjudication of their independent entitlement, which is not permissible in the eye of law.

16.1. We have also noticed that in respect of most of the contempt petitioners, the compliance / compliance in part has already been made, however, looking to the peculiar facts and circumstances of the individual cases, some benefits have not been extended to some of the contempt petitioners; which in our view, this gives rise to a separate cause of action to the petitioners, however they have contended that the complete compliance of the judgment passed in the case of *Bhagwan Das Todi'* (supra) has not been made.

17. It is reiterated that the scope of interference by this Court in contempt proceedings are very limited and the fresh adjudication of the claims of the contempt petitioners with regard to the part of benefits not allowed by the State Government / Educational Institution looking to their peculiar facts cannot be done in the contempt proceedings. Since the respondents herein have considered the claim of the contempt petitioners and have already passed respective orders in the individual cases. The grievance, if any, left can be adjudicated before the appropriate authority / Court / Tribunal, however the same would not amount to wilful and deliberate disobedience of the order passed by this Hon'ble Court and,

therefore, also the present contempt proceedings are not maintainable.

18. We are also aware of the limited power of the Court while deciding the contempt proceedings and 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.

20. No costs.

21. A copy of this order be placed in each connected file.