

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Contempt Petition No. 942/2025

IN

D.B. Civil Writ Petition No.19643/2024

1. Dr. Arun Kumar S/o Shri Shiv Ram Tiwari, Aged About 64 Years, Resident Of F-248, Priya Darshini Marg, Janpath, Harihar Mandir Ke Pas, Shyam Nagar, Sodala Jaipur, Rajasthan 302019.
2. Dr. Ram Prakash Sharma S/o Shri Banshidhar Sharma, Aged About 67 Years, Resident Of H No. 98, Ganesh Vihar, Chomu, Jaipur, Rajasthan-303702.
3. Dr Ramakant Sharma S/o Shri Devakinanadan Kaushik, Aged About 66 Years, Resident Of Patan, Teh. Neem Ka Thana, Patan, Sikar, Rajasthan-332718.
4. Dr Dhirendra Singh S/o Shri Balbeer Singh Raghav, Aged About 64 Years, Resident Of 1460, Garh Renwal, Kishangarh Renwal, Jaipur, Rajasthan-303603.
5. Dr Rama Kant Sharma S/o Shri Shambhu Dayal Shatri, Aged About 65 Years, Resident Of Plot No. 7, Shri Gobindam Maharana Pratap Marg, Kunda Road Sirasi, Jaipur, Rajasthan 302012.
6. Dr Sant Kumar Sharma S/o Shri B.n. Sharma, Aged About 62 Years, Resident Of 238, Nirman Nagar, Dcm, Ajmer Road, Jaipur, Rajasthan.
7. Dr Amrit Kumar Mishra S/o Shri Rameshwar Prasad Sharma, Aged About 66 Years, Resident Of Ward 05, Brahmano Ka Mohalla, Dhaoli, Jaipur, Rajasthan-303806.
8. Dr Hari Ram Sharma S/o Shri Suraj Mal Sharma, Aged About 64 Years, Resident Of B/51 Vidyadhar Nagar, Jaipur, Rajasthan-302023.
9. Dr Ramesh Chand Ganwani S/o Shri Sirumal Ganwani, Aged About 65 Years, Resident Of 2/398, Malviya Nagar, Jaipur, Rajasthan.
10. Dr Dinesh Kumar Sharma S/o Shri Shankar Lal Baloda, Aged About 62 Years, Resident Of Balonda, Jhunjhunu, Rajasthan-333033.
11. Dr Kirshan Murari Gautam S/o Shri Nand Kishor Gautam,

Aged About 65 Years, Resident Of H.no. 4-H-20, Rangbari Yojana, Anandpura @ Phoota Talab, Pip, Kota, Rajasthan-324005.

12. Dr Badri Prasad Sharma S/o Shri Laxmi Narayan Sharma, Aged About 67 Years, Resident Of Nagar Palika Colony, Baran, Rajasthan-325205.
13. Dr Rajendra Prasad Bhardwaj S/o Shri Bhagwan Lal Sharma, Aged About 63 Years, Resident Of 1212-1213, Basant Vihar, Kota, Rajasthan-324009.
14. Dr Sanjeev Kumar Purohit S/o Shri Brijmohan Purohit, Aged About 62 Years, Resident Of Shri Ram Nagar, Anta, Brana, Rajasthan-325202.
15. Dr. Shiv Datt Dadhich S/o Shri Ghansi Lal Purohit, Aged About 66 Years, Resident Of Girls School Ke Pas, Palayatha, Baran, Rajasthan-325202.
16. Dr Dinesh Kumar Gautam S/o Shri Vishnuprasad Gautam, Aged About 64 Years, Resident Of B-57, New Master Colony, Jhalawar, Rajasthan-326001.
17. Dr Badresh Kumar Sharma S/o Shri Kalyan Mal Sharma, Aged About 65 Years, Resident Of Ward-11, Housing Board Colony, Bhawani Mandi, Jhalawar, Rajasthan-326502.
18. Dr Atri Kumar Gautam S/o Shri Gopiballabh Gautam, Aged About 65 Years, Resident Of 87, Ashadeep, Purana Police Thana, Manohar Thana, Jhalawar, Rajasthan-326037.
19. Dr Jagdish Chand Sharma S/o Shri Mohan Lal Sharma, Aged About 66 Years, Resident Of 18, Bay Pass Road, Mahatma Gandhi Colony, Jhalrapatan, Jhalawar, Rajasthan-326023.
20. Dr Badri Lal Sankhla S/o Shri Kesari Lal Sankhla, Aged About 8 Years, Resident Of Ward 11, Usha Colony, Bhawanimandi, Jhalawar, Rajasthan-326502.
21. Dr Ramesh Chandra Sharma S/o Shri Madan Lal Sharma, Aged About 64 Years, Resident Of C-2, Shivaji Nagar, Near Manohar Ghat, Baran, Rajasthan-325205.
22. Dr Ravindra Kumar Rawal S/o Shri Kanhaiya Lal Rawal, Aged About 65 Years, Resident Of N H-12, New Abdi, Iktasa, Jhalawar, Rajasthan-326021.

23. Dr Satynarayan Soni S/o Shri Prem Chand Sony, Aged About 63 Years, Resident Of Chipa Mohalla, Khanpur, Jhalawar, Rajasthan-326038.

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Ayurved And Bhartiya Chikitsa, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. Mr. Vaibhav Galriya, The Principal Secretary, Finance Department, Government Of Rajasthan, Secretariat, Jaipur.
3. Mr. Subir Kumar, The Principal Secretary, Department Of Ayurved Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
4. Sawan Kumar Chayal, The Deputy Secretary, Ayurved And Bhartiya Chikitsa Vibhag, Government Of Rajasthan Government Secretariat, Jaipur.
5. Mr. Anand Kumar Sharma, The Director, Department Of Ayurved, Government Of Rajasthan, Ajmer, Rajasthan.
6. Mr. Devraj, The Director Pension Department, Rajasthan Government, Jyoti Nagar Jaipur

-----Respondents

For Petitioner(s)	:	Mr. Yash Tiwari with Mr. Vishwas Sharma
For Respondent(s)	:	Mr. Bhuwadesh Sharma, AAG assisted by Mr. Vishnu Dutt Sharma, Ms. Sunita Meena & Mr. Samee Khan Mr. Kuldeep Singh Rathore, AAAG

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

19/09/2025

1. Heard.
2. Issue notice to the respondents.

3. Mr. Bhunesh Sharma, learned Additional Advocate General accepts notice on behalf of the respondents.

4. The contemnors claim benefit of the judgments passed in their favour.

5. Mr. Bhunesh Sharma, learned AAG submits that they have divided the claims in three categories and a Co-ordinate Bench of this Court has already passed the orders and the case of the petitioners in this contempt petition shall also be considered in the light of that orders.

6. We have considered the orders passed by the Co-ordinate Bench in three categories in the cases of **Dr. Ramesh Chand Sharma Vs. Akhil Arora & Ors. (D.B. Civil Contempt Petition No.257/2024)**, decided on 04.09.2025, **Vijay Prakash Gautam Vs. Shri Bhawani Singh Detha & Ors. (D.B. Civil Contempt Petition No.11/2025)**, decided on 04.09.2025 and **Dr. Balgovind Gupta & Ors. Vs. Akhil Arora & Ors. (D.B. Civil Contempt Petition No.462/2025)**, decided on 03.09.2025.

7. In **Dr. Ramesh Chand Sharma (supra)**, this Court observed as under:

"1. These petitions are decided by common order as the facts and issues involved are similar. For the sake of convenience, the facts are being taken from D.B. Civil Contempt Petition No. 257/2024 in D.B. Civil Writ Petition No.16762/2022.

2. This petition is filed pleading willful disobedience of order of this Court dated 25.11.2022 passed in D.B. Civil Writ Petition No.16762/2022.

3. The operational part of order is reproduced below:-

*"Relying upon the decision of the Hon'ble Supreme Court in the case of **North Delhi Municipal Corporation Vs. Dr. Ram Naresh Sharma & Ors reported as 2021 SCC Online SC 540** and connected appeals, this Court has held below:-*

"It is not necessary for us to dwelve deep in the matter because this issue is no longer res integra and stands

concluded by the decision of the Hon'ble Supreme Court in the case of North Delhi Municipal Corporation Vs. Dr. Ram Naresh Sharma &Ors (supra) and batch of cases where this issue was examined. While enhancing the age of retirement of Allopathic Doctors from 60 to 62 years, this enhancement had not taken place in respect of the class of Ayurvedic Doctors which resulted in filing of petitions before the Tribunal. The Tribunal held the classification unreasonable and the petitions were allowed. The matter was taken to the Hon'ble Supreme Court by the employer namely North Delhi Municipal Corporation. Their Lordships in the Hon'ble Supreme Court held as below:-

"22. The common contention of the appellants before us is that classification of AYUSH doctors and doctors under CHS in different categories is reasonable and permissible in law. This however does not appeal to us and we are inclined to agree with the findings of the Tribunal and the Delhi High Court that the classification is discriminatory and unreasonable since doctors under both segments are performing the same function of treating and healing their patients. The only difference is that AYUSH doctors are using indigenous systems of medicine like Ayurveda, Unani, etc. and CHS doctors are using Allopathy for tending to their patients. In our understanding, the mode of treatment by itself under the prevalent scheme of things, does not qualify as an intelligible differentia. Therefore, such unreasonable classification and discrimination based on it would surely be inconsistent with Article 14 of the Constitution. The order of AYUSH Ministry dated 24.11.2017 extending the age of superannuation to 65 Years also endorses such a view. This extension is in tune with the notification of Ministry of Health and Family Welfare dated 31.05.2016.

23. The doctors, both under AYUSH and CHS, render service to patients and on this core aspect, there is nothing to distinguish them. Therefore, no rational justification is seen for having different dates for bestowing the benefit of extended age of superannuation to these two categories of doctors. Hence, the order of AYUSH Ministry (F. No. D.14019/4/2016EI (AYUSH)) dated 24.11.2017 must be retrospectively applied from 31.05.2016 to all concerned respondent doctors, in the present appeals. All consequences must follow from this conclusion."

The aforesaid authoritative pronouncement of Hon'ble Supreme Court leaves no scope for arguments on the part of the respondents to defend their action of discrimination in the matter of fixing age of superannuation of Ayurvedic Doctors and it has to be consequently held that they are also entitled to continue in service till completion of age of 62 years, which is applicable in the case of Allopathic Doctors.

It is brought to our notice and also placed on record that the age of superannuation of Allopathic Doctors was enhanced from 60 to 62 years w.e.f. 31.03.2016.

While some of the petitioners are still working, some of the petitioners have retired after attaining the age of 60 years after the issuance of notification enhancing age of retirement from 60 to 62 years in respect of Allopathic Doctors. All those petitioners, who have so retired after 31.03.2016, shall be deemed to have continued in service upto 62 years. This will require the respondents authority to pass necessary orders treating them in service till attaining the age of 62 years in individual cases with consequential benefits of continuity of service. All other consequential action would also be required to be taken which include refixation of pension and other benefits. Those, who have been superannuated on attaining the age of 60 years, but have not completed 62 years of age, be reinstated in service forthwith."

In view of the above, this petition also deserves to be allowed and accordingly the petition is allowed in terms of the order dated 13.07.2022 passed in the case of Dr. Mahesh Chandra Sharma & Ors. (supra) . As petitioner has not even attained the age of 60 years, the consequence of the allowing of the petition would be that the petitioner shall be continued in service till he attains the age of 62 years."

4. The brief facts are that the petitioners were working as Doctors with the State of Rajasthan. The petitioner attained the age of superannuation on 30.11.2022. The writ petition was filed claiming that the superannuation shall be at the age of sixty two years. The writ petition was allowed in terms of the order dated 13.07.2022 passed in case of Dr. Mahesh Chandra Sharma & Ors. vs. State of Rajasthan & Ors. and other connected matters (DBCWP No.13496/2021). The State preferred an SLP against the order of the High Court in which interim protection was granted. The SLP was dismissed on 30.01.2024. The petitioner on 05.02.2024 filed a representation for reinstatement in compliance with the directions of this Court. On 12.03.2024, the present contempt petition was filed. Vide order dated 11.11.2024, all the employees similarly situated to the petitioner were ordered to be reinstated subject to depositing the retiral benefits received at the age of sixty. The petitioner filed an application on 19.11.2024 seeking clarification and in the alternative stating that the petitioner is ready to deposit the amount.

5. Learned counsel for the petitioner submits that there was delay in complying with the directions of this Court even after dismissal of the SLP on 30.01.2024. It is contended that the petitioner was ready to deposit the amount but the order was passed on 11.11.2024 and the petitioner was due to superannuate on 30.11.2024 and it was not possible to deposit the retiral benefits on such a short notice.

6. Learned Advocate General submits that the directions of this Court have substantially complied with and the decision-taking took time as it had ramification across the State.

7. The case in hand has a peculiar facts. The petitioner succeeded in the writ petition on 25.11.2022 wherein it was held that the petitioner shall superannuate on attaining the age of sixty two years. The order of this Court attained finality on 30.01.2024 on dismissal of the SLP preferred by the State. It took more than nine and half months for the respondents after dismissal of the SLP to implement the order of this Court. The reinstatement of the petitioner was subject to deposit of the retiral benefits received. It is apposite to note that the respondent decided on 11.11.2024 to reinstate the petitioners subject to pre-deposit. The petitioner attained the age of sixty two years on 30.11.2024. There is a time-gap of only nineteen days between the date of the order and date of superannuation of the petitioner.

8. In facts and circumstances, this petition is disposed of with liberty to the petitioner to file a representation with the respondents within four weeks from today pleading the factual aspects of the case particularly short notice for deposition of the amount before reinstatement. In the eventuality of the petitioner filing a representation, the respondent shall consider the same in accordance with law taking into account the peculiarity of the facts of each of the case.

9. It would be appreciated considering that the petitioners have already retired that the representation is considered and decide within six weeks of the receipt of the representation.

10. Needless to say, the petitioner shall be at liberty to avail remedies in accordance with law, if aggrieved of the decision."

8. In **Vijay Prakash Gautam (supra)**, this Court observed as under:

"1. These petitions are decided by common order as the facts and issues involved are similar. For the sake of convenience, the facts are being taken from D.B. Civil Contempt Petition No. 11/2025 in D.B. Civil Writ Petition No. 7785/2024.

2. This contempt petition is filed pleading willful disobedience of order dated 18.10.2024 passed in D.B. Civil Writ Petition No. 9182/2024 and other connected matters.

3. Operational part of the order is reproduced below:- "In view of the above developments, we need not keep these petitions pending and same are also finally disposed off in terms of order passed earlier by this Court in the case of Dr. Mahesh Chandra Sharma & Ors. Vs. State of Rajasthan & Ors. and other connected matters (D.B. Civil Writ Petition No. 13496/2021), decided on 13.07.2022. The petitioners will be entitled to the same relief as was granted in the aforesaid cases meaning thereby that they are entitled to continue with all consequential benefits including monetary benefits in service upto the age of 62 years, if they have not already attained the age of 62 years. In cases where the petitioners have already attained the age of 62 years, they

will be entitled to all the consequential benefits including monetary benefits of salary as if they had continued in service upto the age of 62 years."

4. *The respondents have adopted the additional affidavit filed in D.B. Civil Contempt Petition No.462/2025 attaching the order dated 01.09.2025 wherein, it has been decided that the employees who had not attained the age of sixty two years and were to be reinstated but have voluntarily not joined shall not be paid the salary and benefits.*

5. *Learned counsel for the petitioners submit that the reinstatement order dated 11.11.2024 imposed a condition of deposit of the entire retiral benefits. The contention is that the condition is in violation of the directions of this Court. It is averred that the amount paid to the petitioners shall ultimately become due on attaining the age of sixty two years and there was no question of depositing the amount back. Submission is that the petitioners were ready to join but shall not deposit the amount as per the order of 11.11.2024.*

6. *Learned Advocate General submits that there is substantial compliance of the directions of this Court. The petitioners after reinstatement shall not be entitled to retiral benefits received at the age of sixty years. Submission is that by non-compliance of the condition of deposit of the amount received, there is willful failure in joining.*

7. *In contempt petition, we need not to go into dispute that the petitioners had approached the respondents for joining or not. It is an admitted fact that even today the petitioners have neither deposited nor are ready to deposit the retiral benefits, in compliance of the order of 11.11.2024.*

8. *Another aspect to be considered is that till the age of attaining sixty two years the retiral benefits shall not accrue to the petitioners and there is no occasion for the petitioners to retain the retiral benefits received at the age of sixty years.*

9. *Nothing has been brought to the notice of the Court that the order of reinstatement dated 11.11.2024 was challenged in any proceeding.*

10. *From perusal of the directions of this Court, it is evident that the writ petitions were allowed with the directions that the petitioners shall be entitled to continue in service till the age of sixty two years with the consequential benefits. There is no relief granted to the petitioners that while continuing in service till the age of sixty two years they shall be entitled to receive the retiral benefits at the age of sixty years and thereafter retain it in spite of reinstatement.*

11. *No case is made out for willful disobedience of the directions of this Court.*

12. *The contempt petitions are dismissed.*

13. *Notices are discharged.*

14. At this stage, learned counsel for the petitioners submit that in spite of the decision of 01.09.2025 of not to pay salary and the benefits for failure to comply the directions in the order, the petitioners shall entitle to notional benefit for two years.

15. The issue now raised is consequential to the decision taken vide order dated 11.11.2024. The petitioners are granted liberty to file representation with the respondents claiming the notional benefits for the intervening period for sixty years to sixty two years within six weeks.

16. In the eventuality of the representation being filed, the respondents shall consider the same in accordance with law as expeditiously as possible preferably within three months, if possible from the date of receipt of certified copy of this order.

17. Needless to say that the petitioners shall at liberty to avail remedies in accordance with law if aggrieved of the decision. "

9. Further in **Balgovind Gupta (supra)**, this Court observed as under:

"1. These contempt petitions are decided by common order as the facts and issues involved are similar. For the sake of convenience, the facts are being taken from D.B. Civil Contempt Petition No.462/2025.

2. This contempt petition is filed pleading willful disobedience of the order dated 25.08.2022 passed in DBCWP No.12357/2022.

3. The operational part of the order is reproduced below:-

"This will require the respondent-authority to pass necessary orders treating the petitioners to be in service till attaining the age of 62 years with all consequential benefits of continuity of service. We also make it clear that all other consequential action will also be required to be taken which include appropriate orders with regard to the pensionary benefits which the petitioners have already availed. Consequential orders in this regard shall also be required to be passed by the respondents."

4. The respondents have filed additional affidavit in D.B. Civil Contempt Petition No.462/2025 and it is being adopted in all the other cases. The order dated 01.09.2025 is annexed with additional affidavit, wherein it has been decided that in compliance of the order dated 13.07.2022 passed in D.B.C.W.P. No.13496/2021, the employee shall be given benefit of two years service i.e. from sixty to sixty two years. The monetary benefit for two years shall be given after making deductions from the pension and the lump-sum amount already paid.

5. *Learned counsels for the respondents on instructions submit that decision is taken and the monetary benefits shall be credited to the bank account of the petitioners latest by 22.12.2025.*

6. *In view of the statement made, the contempt petitions are disposed of with direction that the respondents shall credit the amount due (including the consequential benefits) to the bank accounts of the petitioners on or before 22.12.2025 and would also provide the calculation of the amount due to the petitioners. The petitioners shall be at liberty to file a representation, if aggrieved of the calculation or the rate of interest being charged on the sum already paid. In eventuality of a representation being made the same shall be considered within four weeks of the receipt of representation. The petitioner shall be at liberty to avail remedies in accordance with law, if aggrieved of the decision.*

7. *In case of failure of the respondents to pay the amount by 22.12.2025, the petitioners shall be at liberty to file an application for revival of the contempt petition with an advance copy to the respondents.*

8. *In case, the occasion so arises for revival of the contempt petitions, the officer concerned shall remain present in Court on the date fixed in the revival application."*

10. We, accordingly, dispose of this contempt petition with directions, as above, *mutatis mutandis*.

(SANJEET PUROHIT),J

(SANJEEV PRAKASH SHARMA),J