

**IN THE HIGH COURT OF JAMMU & KASHMIR AND
LADAKH AT SRINAGAR**

Pronounced on:28.07.2026
Uploaded on: 29.07.2026

CCP(S) 190/2021

in

SWP No.1818/2009

MOHAMMAD MAQBOOL LONE

...PETITIONER(S)

Through: - Mr. L. A. Latief, Advocate

Vs.

MUKHTAR AHMAD

...RESPONDENT(S)

Through:- Mr. Zahid Qais Noor, GA.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER(ORAL)

1) The petitioner is seeking implementation of order dated 02.11.2011 passed by the learned Writ Court in SWP No.1818/2009, whereby the respondents were directed to accord consideration to the petitioner's case in light of the judgment passed in SWP No.3579/1997.

2) The respondent has filed the statement of facts, in which it has been submitted that as per the opinion of the Law Department, the petitioner can claim pre-revised grade only if he has been selected and appointed against the notified vacancy in the light of the judgment dated 11.07.2007 passed in SWP No.3579/1997.

3) According to the respondent, the petitioner was appointed as Medical Assistant by Deputy Commissioner, Pulwama, without following the rules governing the subject, whereas in the case of writ petitioners in SWP No.3579/1997, they were selected by the recruiting agency i.e. Service Selection Board and formally appointed by the appointing authority i.e. Health Department. On the basis of this distinction, the petitioner is not entitled not entitled to claim the benefit which he is seeking. The respondent has issued consideration order dated 16.10.2012, which has been made part of the compliance report.

4) Vide the judgment of the Writ Court, the respondents were only directed to consider the claim of the petitioner and if his case was found to be similarly situated to the cases of writ petitioners in SWP No.3579/1997, his case was to be accorded consideration in the light of the judgment rendered in the said case. Since the respondent has found that the case of the petitioner is different from the case of the writ petitioners in SWP No.3579/1997, as such, he has rejected the claim of the petitioner.

5) The issue as to whether the stand of the respondent in rejecting claim of the petitioner is legally tenable cannot be subject matter of determination in these proceedings. Once

the respondent has accorded consideration to the case of the petitioner, the judgment of the Writ Court stands complied with.

6 In view of the above, the contempt proceedings are closed leaving it open to the petitioner to avail appropriate remedy for redressal of his grievance, if so advised.

(SANJAY DHAR)
JUDGE

Srinagar,
28.06.2026
“Bhat Altaf-Secretary”

Whether the ORDER is reportable: Yes/No

