

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

CPSW no. 430/2017

Ghulam Hassan Mir

...Appellant(s)/Petitioner(s)

Through: Mr. S. N. Ratanpuri, Advocate vice Ms. Fiza Khurshid, Advocate

Vs.

Mr. Mohammad Afzal Bhat and others

...Respondent(s)

Through: M/s. Syed Musaib, Dy. AG and Zahid Noor, GA

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

09.09.2024

Mr. Musaib, learned Dy. AG, submits that in pursuance of order dated 04.05.2017, passed by this Court in SWP no.2056/2015, the petitioner's case was considered but he was found not entitled, therefore, rejected. He also submits that it was mainly on the ground that petitioner has not completed the required period of service for regularization because he was not continuously working.

Perusal of the file reveals that in their reply to the writ petition, the only ground taken by the respondents was that the petitioner's case was not covered by SRO 46 of 1994, because he was engaged as Daily wager after imposition of the ban, therefore, in terms of the stand earlier taken by the respondents that because of imposition of ban, he could not be regularized. However, no other ground was taken by the respondents in response to the writ petition.

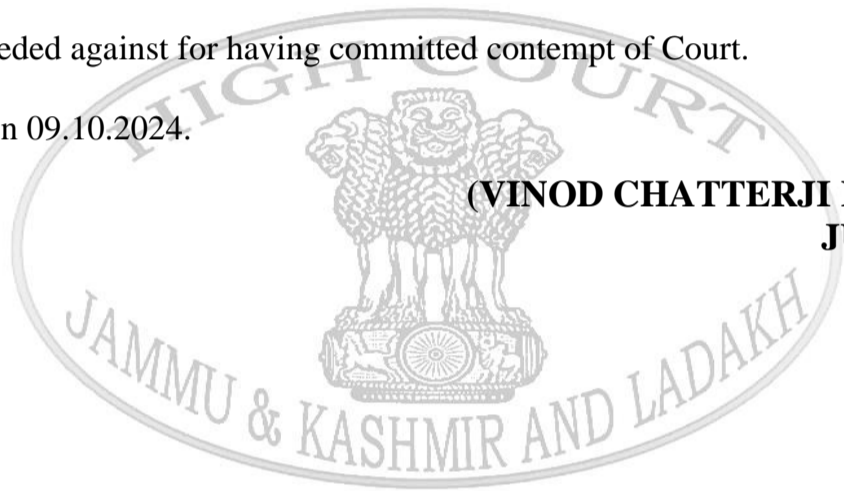
Perusal of order dated 04.05.2017 reveals that petitioner's brother, who was working as daily wager, was killed in cross-firing on 03.04.1993 and after his death petitioner was engaged as daily wager in the month of May 1995. The Writ Court has opined that daily wagers, appointed even after imposition of ban were given benefit of notification dated 6th November 2001, were given benefit of regularization in terms of SRO 64 of 1994.

Now, question arises as to whether the same objections could be raised and same ground can be taken for rejection when the said/same objections/ground were/was taken earlier when writ petition was disposed of and order/judgement, with respect whereof instant contempt petition has arisen, came to be passed. The compliance report, therefore, is not in tune with the Judgement passed by this court. Same is, accordingly, rejected.

Respondents to file a fresh compliance report within four weeks, failing which respondents shall remain present in the Court to show cause as to why they be not proceeded against for having committed contempt of Court.

List on 09.10.2024.

SRINAGAR
09.09.2024
"Imtiyaz"



(VINOD CHATTERJI KOUL)
JUDGE