

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU
(Through VC)

Case No.:- CCP(D) No. 34/2024
In WP(C) No. 1546/2021
CCP(D) No. 36/2024
CCP(D) No. 48/2024 (for Jammu Wing)
CCP(D) No. 38/2024 in LPA No. 28/2023
Along with connected matters (for Srinagar Wing)

Bilal Ahmed Bhat and Ors.

.....Petitioner(s)

Through: Mr. Jahangir Iqbal Ganai, Sr. Advocate with
Mr. Suhail Mehraj, Advocate.
Mr. Syed Faisal Qadiri, Sr. Advocate with
Ms. Mariya Advocate & Mr. Amjid Maqbool,
Advocate.
Mr. Hanan Kalwal, Advocate.
Mr. Abhinav Sharma, Sr. Advocate with
Mr. Abhimanyu Sharma, Advocate.
Mr. Rahul Pant, Sr. Advocate with
Mr. Anirudh Sharma, Advocate.
Mr. Arshid Pervaiz Malik, Advocate.

Vs

Chandraker Bharti
Principal Secretary to Government
Home Department, Jammu and Ors.

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG
Mr. Mohsin Qadiri, Sr. AAG with
Ms. Maha Majeed, Advocate

Coram: **HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
(17.10.2025)

1. Through the medium of the present contempt petitions, the petitioners are seeking implementation of judgment dated 24.11.2023 passed by this Court in a bunch of Letters Patent Appeals and writ petitions whereby the following directions were extended:

- (i) The appellants in LPASW No. 144/2017, LPA No. 28/20123, LPA No. 29/2023, LPA No. 30/2023, LPA No. 31/2023, LPA No. 32/2023, LPA No. 33/2023, LPA No. 34/2023, LPA No. 35/2023 stated to be numbering 151 (one fifty one) and who are presently serving as Wireless Assistants, shall forthwith be appointed as Constables (Operator) on regular basis by adjusting against 170 (one seventy) vacant posts of Constables (Operator) and their appointments shall be given effect notionally from the date they were initially appointed as Constables (Operator) without any back wages.
- (ii) The services of those persons who are already appointed as Constables (Operator) after the services of the appellants were terminated vide order dated 19.01.2017 will remain undisturbed and will be en-bloc senior to the appellants in the LPAs as the seniority of the Constables (Operator) should be based on the state level list which was prepared in terms of the direction issued by the Ld. Single Judge in the impugned judgment and order dated 09.05.2014 in SWP No. 1352 of 2010 and other writ petitions as this would truly reflect the comparative merit of the candidates, irrespective of the fact that they may be appointed on different dates and in different districts.
- (iii) In order to avoid any such similar future litigation, the official respondents should clarify the status/position of the Constable

(Operator) qua the Constable as provided in the J&K Police Rules, 1960.

(iv) The private respondents in WP(C) Nos. 1546 of 2021, 1548 of 2021, 1684 of 2021, 1585 of 2021 and 736 of 2023 who have continued to pursue their claim till now, stated to be numbering 63 (sixty three) shall be appointed as Wireless Assistants against the resultant 151 (one fifty one) vacant posts of Wireless Assistants, subject to their suitability and on attaining the benchmark in terms of the performance in the recruitment process pursuant to the advertisement dated 09.03.2007 as may be decided by the appointing authority as observed above within a period of one month from today.

2. The aforesaid judgment has attained finality inasmuch as Special Leave Petition against the said judgment stands dismissed by the Supreme Court. The Home Department as well as Director General of Police have come with statement of facts. It is pertinent to mention here that in the light of similar orders passed by this Court the figure of 63 mentioned in para (iv) of afore-quoted directions stands revised to 85.

3. In the statement of facts filed by the Home Department, it has been submitted that implementation of the aforesaid judgment involves creation of 145 supernumerary posts of Constable (Operator) as on 01.07.2010 and that a proposal in this regard has been forwarded to the Finance Department on 09.10.2025. It has been further submitted that once the proposal is accepted and the posts are created, the judgment of the Court would be implemented in its letter and spirit.

4. So far as direction with regard to appointment of 85 candidates as Wireless Assistants is concerned, it has been indicated in the statement of facts filed by the Director General of Police that their appointments were to be made subject to their suitability and on attaining the benchmark in terms of the performance in the recruitment process pursuant to the advertisement dated 09.03.2007 that was to be decided by the appointing authority. It has been submitted that the cases of these 85 candidates were considered and they were not found suitable for their appointment and in this regard consideration order bearing No.4166 of 25 dt. 16.10.2025 has been passed.
5. We have heard learned counsel for the parties and perused the record.
6. So far as the creation of 145 supernumerary posts w.e.f., 01.07.2010 is concerned, prima facie, it appears that submission of the respondents-contemnors in this regard is justified because as per the judgment, the appointment of 151 Wireless Assistants as Constables (Operator) has to be given effect notionally from the date they were initially appointed as Constables (Operator) without any back wages. Thus, with a view to give notional effect to their appointments retrospectively, supernumerary posts are required to be created. However, we are of the opinion that the respondents-contemnors, in order to show their bonafides, could

have appointed these 151 candidates as Constables (Operator) at least prospectively on available vacancies. Their retrospective notional appointments could have awaited the creation of supernumerary posts. The respondents-contemnors have not even made their appointments on prospective basis which casts a cloud about their willingness to implement the aforesaid judgment.

7. In view of the above, we direct the presence of Director General of Police, J&K Police before this Court through virtual mode on next date of hearing with a view to furnish an explanation to this Court as to why the prospective appointments in terms of the direction No. (i) quoted above have not been ordered particularly when it was the stand of the respondents-contemnors before the Court that 170 vacant posts of Wireless Operator are available, which is noted in interim order dated 08.06.2023 passed by the LPA bench.
8. So far as the question whether rejection of claim of 85 candidates for their appointment in terms of direction No. (iv) is in conformity with the said direction, the same would be determined after hearing the parties on the next date of hearing. In the meantime, Learned Sr. AAG shall furnish copies of statements of facts filed by the respondents/contemnors to Learned counsel appearing for the contempt petitioners.

9. List these petitions on 31.10.2025.

10. A copy of this order be sent to the Director General of Police,
J&K Police through learned Sr.AAG.

(SANJAY DHAR)(RAJNESH OSWAL)
JUDGE JUDGE

JAMMU
17.10.2025
Naresh/Secy.

