

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

(Through Hybrid Mode)

(Jammu matters)

CCP(D) No.34/2024

in WP(C) No.1546/2021 c/w

CCP(D) No 36/2024, CCP(D) No 48/2024,

CCP(D) No 62/2024, CCP(D) No 63/2024,

CCP(D) No 55/2025

(Srinagar matters)

CCP(D) No.38/2024

in LPA No.28/2023

c/w CCP(D) No.45/2024 CCP(D) No.46/2024,

CCP(D) No.47/2024, CCP(D) No.48/2024,

CCP(D) No.49/2024, CCP(D) No.50/2024,

CCP(D) No.51/2024, CCP(D) No.52/2024,

CCP(D) No.73/2024

BILAL AHMAD KHAN AND OTHERS

...Petitioner(s)

Through: Mr. Syed Faisal Qadri, Sr. Advocate with Mr. Adnan Zahoor, Advocate.
Mr. Shariq J. Riyaz, Advocate with Mr. Suhail Mehraj, Adv.
Mr. Rahul Pant, Sr. Advocate with Mr. Anirudh Sharma, (through VC)
Mr. Abhinav Sharma, Sr. Advocate with Mr. Abhirash Sharma, Adv.
(through VC)

Versus

CHANDRAKER BHARTI AND OTHERS

...Respondent(s)

Through: Mr. Mohsin Qadri, Sr. AAG with Mr. Haris Khan, Assisting Counsel
Ms. Monika Kohli, Sr. AAG (through VC)

CORAM:

HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE

HON'BLE MR JUSTICE SANJAY DHAR, JUDGE

ORDER

15.05.2026

CCP(D) No.34/2024

1. On 24.04.2026, this Court had passed the following order:

“Vide order dated 06.02.2026, this Court had rejected the compliance report/statement of facts filed by the respondents and directed the respondents to file fresh statement of facts strictly in accordance with the judgement dated 24.11.2023. Thereafter, another set of statement of facts was filed by the officer, who was not competent to file the same and, accordingly, vide order dated 17.04.2026, this Court rejected the same as well. Thereafter, yet another statement of facts has been filed by respondent No.2, but unfortunately, this statement of facts is also a mere repetition of the averments made in the earlier statement of facts which stood rejected by this Court in terms of order dated 06.02.2026. Though, there is hardly any justification to grant further time to the respondents but taking into consideration the frequent requests made by Ms. Monika Kohli, learned Sr. AAG, we grant another two weeks’ time to file compliance report strictly in terms of the judgment, failing which, respondents shall remain present in person before this Court.

We have called for the personal appearance of the respondents, in the event of non-filing of the compliance report only because earlier numerous opportunities were granted to the respondents to comply with the judgement, but the judgement has not been complied.”

2. An application, bearing CM No.3077/2026 has been filed by respondent No.1 seeking exemption from his personal appearance for today’s date of hearing. It is stated that matter for creation of 145 supernumerary posts of Constable (Operator) on notional basis w.e.f. 01.08.2009 up to 2020 has been referred to Ministry of Home Affairs Government of India (MHA, GOI), for accord of necessary approval for implementation of judgment vide communication 24.11.2025, followed by various communications dated 16.03.2026, 15.04.2026 and 12.05.2026. The applicant has sought exemption from his personal appearance for today’s date of hearing on account of a meeting to be attended by him at Delhi today only. It is also stated that the Department has filed fresh statement of facts.

3. For the reasons stated in the application, the same is allowed and personal appearance of respondent No.1 is dispensed with for today's date of hearing. **CM No.3077/2026 disposed of.**
4. One more application, bearing CM No.3079/2026, has been filed by respondent Nos.2 and 3 seeking exemption from their personal appearance for today's date of hearing.
5. It is stated that the Department of Home has taken up the matter with competent authority, i.e., MHA, GOI, and further the matter regarding 86 private respondents has been taken up with the Home Department by the Police Headquarters vide communication dated 11.05.2026. It is also averred that Department of Home has already filed the compliance report. This is surprising that the matter has been taken by the Police Headquarters with Department of Home only on 11.05.2026, whereas these contempt petitions have been pending for the last nearly two years, that demonstrates slackness and indolence on the part of respondent Nos. 2 and 3.
6. This application, for reasons furnished therein, is allowed and respondent Nos.2 and 3 are exempted from their personal appearance for today's date of hearing. **CM No.3079/2026 disposed of.**
7. Statement of facts dated 14.05 2026 has been filed by respondents No. 1 to 3 in terms of order dated 24.04.2026, wherein it is reiterated that the matter has been taken up with MHA, GOI, for approval for granting notional appointment and it is further stated that the necessary approval is under process and is likely to be obtained shortly from the MHA, GOI. It is also stated that certain observations were raised by MHA, GOI, which were replied to by the Department.

8. Regarding the engagement of 85 petitioners, who were to be considered for appointment subject to their suitability and the attainment of prescribed performance marks in the recruitment process initiated pursuant to the advertisement notice dated 09.03.2007, as determined by the appointing authority, it is stated that their claim was rejected after consideration vide order No. 4166 of 2025 dated 16.10.2025. We need not to remind the respondents that this order was rejected vide order dated 06.02.2026 passed by this court, more specifically in terms of para-24 of the order. There is no compliance at all regarding engagement of 85 petitioners.

9. Accordingly, respondents Nos. 1 to 3 shall file the updated compliance report with regard to the status of the approval being sought by them from Ministry of Home Affairs, Government of India, and shall file fresh compliance with regard to the engagement of 85 petitioners as mentioned above. In the event of non-compliance, respondent Nos. 1 to 3 shall personally appear before this Court and no request for adjournment and/or for exemption from personal appearance shall be entertained.

10. While perusing the Statement of Facts, we noted two specific communications: the first, dated 12.05.2026, from Shri Monish Kumar-JKAS (Under Secretary, Home Department, J&K) to the Under Secretary, MHA (Department of J&K and Ladakh Affairs, GOI); and the second, dated 09.05.2026, from Shri Mubassir Latifi-IPS (DIG Personnel, J&K Police) to the Principal Secretary to Government, Home Department, J&K.

11.In last para of both these communications, following averments have been made: -

“It is in place to mention, HHC has not restricted its judgment dt 24.11.2023, to 63 private respondents only but is extending the benefit continuously and the number has now risen to 86 **thus Court is rewriting its own judgment.**”

12.The tone and tenor of the language employed by Shri Mubassir Latifi-IPS (DIG Personnel) and Shri Monish Kumar-JKAS (Under Secretary, Home Department, J&K) is, *prima facie*, contemptuous. These remarks were made in communications concerning the 'Implementation of judgment/order dated 24.11.2023' and not in the context of seeking approval to assail the judgment. It is beyond the province of these officers to suggest that the Court is 'rewriting' its own judgment; such an observation is the exclusive prerogative of a court higher in the hierarchy. As nothing has been brought to our notice to indicate that the orders, granting benefit to candidates beyond the initial 63, have been set aside by the Hon'ble Supreme Court, our sole concern remains the implementation of the directions issued by the Co-ordinate Bench of this Court.

13.Before we proceed further in the matter, we issue notice to the Shri Mubassir Latifi-IPS, DIG Personnel, HQ J&K Police and Shri Monish Kumar-JKAS, Under Secretary to the Government, Home Department, Government of J&K, Civil Secretariat, J&K to appear in person before this Court and show cause as to why the proceedings be not initiated against them for committing contempt of the Court.

14. Copy of this order be forwarded to DGP, J&K Police and Principal Secretary to the Government, Department of Home, Government of

U.T Of Jammu and Kashmir, through Ms. Monika Kohli, learned Sr.

A.A.G, to ensure the presence of abovementioned officials.

15.List on 29.05.2026.

(SANJAY DHAR)
JUDGE

(RAJNESH OSWAL)
JUDGE

SRINAGAR

15.05.2026

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