

Serial No. 26
Regular List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

SWP No. 1552/2018
CM Nos. 1132/2019, 2379/2023, 3101/2019
IA No. 01/2018.

Shahid Hussain Khan

...Petitioner (s)

Through: Mr. M.A. Qayoom, Advocate
Mr. Mian Tufail, Advocate.

VERSUS

J&K State Power Development Corporation & Ors.

...Respondent(s)

Through: Mr. Alla ud din Ganie, AAG.

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
04.08.2023.

01. Action taken report has been filed by the respondents. In the said report, it has been submitted that in terms of Circular bearing No. A/Misc/2015/364 dated 17.03.2015 issued by the Finance Department and Circular bearing No. dated 24.05.2019 issued by General Administrative Department, a ban has been imposed on the engagement of casual/ seasonal/ Adhoc/ consolidated/ contractual/ need based employees etc. On this basis it has been submitted that the petitioner cannot be allowed to join his duties in terms of the order of this Court passed on 16.02.2021 passed in CCP (S) No. 374/2021 titled “*Shahid Hussain Khan Vs Mr. Feroz Ahmad*” .

02. It seems that the respondents are in a way trying to tell the Court that its orders cannot be implemented because there are contrary Government instructions on the subject. The Courts order in spite of any contrary Government instructions

are to be implemented in their letter and spirit unless set aside or modified by the higher forum. The respondents cannot avoid the implementation of the order passed by this Court in respect of the petitioner on the basis of some Government circulars or instructions. Doing so, I am afraid would amount to commission of Contempt of the Court that would entail initiation of appropriate proceedings against the concerned officer (s).

03. At this stage, Mr. Alla ud din Ganie, learned AAG submits that before taking any action in the matter, one more opportunity be granted to the respondents to file compliance report in accordance with Order dated 16.12.2021.

04. In the interest of Justice, one more opportunity is granted to the respondents for the purpose failing which this Court shall be constrained to initiate the Contempt of Court proceedings against the concerned officer (s).

05. Be listed on 04.09.2023.

SRINAGAR
04.08.2023
Showkat

(Sanjay Dhar)
Judge

