

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

CCP (S) No.524/2022

Mohammad Afzal Mir

...Petitioner(s)

Through: Mr. Hamza Prince, Advocate vice
Mr. M.Y. Bhat, Sr. Advocate

Vs.

J. Frankoi and others

...Respondent(s)

Through: Mr. Hilal Ahmad Wani, AAG

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER

07.02.2023

01. This Court vide order/judgment dated 21.04.2022 had disposed of the writ petition filed by the petitioner by directing the Managing Director, State Forest Corporation, J&K to immediately release the pending salary of the petitioner for the period he has rendered services in the corporation for which he has not been paid, besides issuing the direction to the Director State Forest Protection, Force to release the unpaid salary of the petitioner after obtaining his LPC from the corporation without any further delay.
02. While parting with the judgment a direction was issued by this Court to release the salary of the petitioner within a period of four weeks from the date copy of order was served upon Managing Director of the Corporation, J&K and accordingly Managing Director, State Forest Corporation, J&K was directed to release the salary and after releasing of salary was directed to forward the LPC of the petitioner to Director Forest Protection, Force for doing the needful.

03. The learned counsel appearing on behalf of petitioner submits that insofar as direction to the Managing Director, State Forest Corporation, J&K is concerned for release of salary, the same has been complied with but Director State Forest Protection, Force has not released the salary in terms of order mentioned supra and his action as such is contemptuous.
04. Learned counsel has filed the statement of facts/compliance report and in para 4 the respondents have specifically pleaded that petitioner was asked vide letter dated 31.12.2022 to produce the original appointment order and other service record for uploading the same and also for creating Computer Personal information System in short "CPIS" number to enable the office to proceed in the matter and since the petitioner has failed to produce the original appointment order till date, the needful has not been done and the order has not been complied with.
05. Heard learned counsel for the parties and perused the record.
06. The direction which is sought to be complied with is specific to the extent of release of unpaid salary of the petitioner after obtaining LPC from the corporation which has been forwarded by the Managing Director, State Forest Corporation, J&K and yet the order has not been complied with. The release of salary was conditional only to the extent of forwarding LPC of the petitioner by the Managing Director, State Forest Corporation, J&K to Director State Forest Protection, Force and in spite of the fact that LPC has been forwarded, yet the salary of the petitioner has not been released by Director State Forest Protection, Force till date and instead the petitioner has been directed to produce his appointment order and

other service record for uploading the same and also for creating CPIS number, when there was no such stipulation or condition in the order which is sought to be complied with by the petitioner. The only rider which has been imposed by this Court was forwarding of LPC by the Managing Director, State Forest Corporation, J&K for doing the needful and since the LPC has been forwarded it was incumbent on the part of Director, State Forest Protection, Force to have complied the order in its letter and spirit by releasing the salary which till date has not been done.

07. In the interests of justice, one more opportunity is given to the Director State Forest Protection, Force to comply the order/judgment dated 21.04.2022 in its letter and spirit by releasing the salary of the petitioner within a period of two weeks positively, failing which, respondent No.1 shall appear in person
08. Mr. Hilal Ahmad, learned AAG is also directed to file compliance report within the aforesaid period.
09. List on 01.03.2023.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR

07.02.2023

"Shameem H."