

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

Case:- CCP(S) No. 240/2022

Prem Raj

.....Petitioner

Through: Mr. Rahul Pant, Sr. Advocate with  
Mr. Dhruv Pant, Advocate

**Vs**

Dheeraj Gupta, Principal Secretary, Housing  
and Urban Development Department & Anr.

.....Respondent(s)

Through: Mr. Suneel Malhotra, GA  
Mr. Anchit Sharma, Advocate

**Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER  
(06.05.2026)**

1. The disposal of the petitioner's writ petition- **WP(C) No. 2989/2019** came to take place in the factual and legal backdrop which was not disputed by the counsel for both sides that in the Jammu Municipal Corporation from the post of Sanitary Inspector next promotional post was and is Sanitation/Compost Officer which was later re-designated as Compost-cum-Transport Officer.

2. It is by reference to said next promotional post of Sanitation/Compost Officer (re-designated as Compost-cum-Transport Officer) that this Court, in its final order dated **08.09.2021** disposing of writ petition- **WP(C) No. 2989/2019**, came up with a factual reference that the petitioner's two seniors, namely, **Sh. K.K. Verma** and **Sh. Titru Ram**, who originally were

holding post of Sanitation Inspectors, came to be promoted as Compost-cum-Transport Officers in Jammu Municipal Corporation and, therefore, in that context by taking and reckoning the post of Compost-cum-Transport Officer in the cadre of Jammu Municipal Corporation, the writ Court came up with a direction that the petitioner, if eligible, has a right of being considered for promotion to the post of Compost-cum-Transport Officer from his position and post of Sanitation Inspector.

3. It is on the aforesaid note that the writ court came up with a direction unto the writ respondents to consider the case of the petitioner for promotion on substantive basis qua the post of Compost-cum-Transport Officer strictly in accordance with Rules along with all other eligible candidates.

4. The petitioner's writ petition consumed only **two years** of this Court's time in getting disposal whereas the contempt petition filed by the petitioner, being aggrieved of non-compliance of the writ direction, has consumed more than **four years** in running and still seeing no end for its logical destination of the compliance being reported in letter and spirit.

5. In fact, if left to the respondents, there is a pandora box for this Court to handle.

6. This Court is finding the Government of UT of J&K on a different page whereas Jammu Municipal Corporation on a different page.

7. As per the Government, the Jammu Municipal Corporation is having post of Compost-cum-Transport Officer and

that is the reason that Sh. K.K. Verma, who earlier was made In-charge in the **year 2011** till **December 2016** came to be regularized as Compost-cum-Transport Officer notionally w.e.f., **11.02.2011** till **01.01.2017** and, thereafter, actually till his superannuation which took place on **28.02.2017**.

8. This declaration in favour of Sh. K.K. Verma had come from the end of the Government in terms of Government Order **No. 40-HUD of 2019** dated **24.01.2019** and, therefore, the Government of erstwhile State of J&K (now UT of J&K) was under no sort of confusion about the existence of post of Compost-cum-Transport Officer in the Jammu Municipal Corporation.

9. On the other hand, the Commissioner, Municipal Corporation, Jammu, in his Statement of Facts/Compliance Report dated **05.05.2026** which Mr. Anchit Sharma, learned Standing Counsel for Jammu Municipal Corporation intends to file in the course of the day, has come forward stating that as per the existing rules of Jammu Municipal Corporation said post of Compost-cum-Transport Officer is not a part of the Recruitment Rules, 1970.

10. A very clever use of words has been resorted to by Dr. Divyansh Yadav, Municipal Commissioner, Jammu Municipal Corporation (JMC) through which he intends to say that Jammu & Kashmir Recruitment Rules, 1970 formulated vide **SRO 292** do not bear reference to any such post and it is here where a mirage is intended to be set up because originally in the Recruitment Rules, 1970, there may not be any such post getting reference but

later on creation and addition of post must have come to take place in Jammu Municipal Corporation (JMC) and that is how there was a post of Compost-cum-Transport Officer to which Sh. K.K. Verma was regularized even after his retirement/superannuation by an order of none else than the Government and that could not have been without the notice and accord of Jammu Municipal Corporation (JMC).

11. Furthermore, in the Statement of Facts/Compliance Report, Dr. Divyansh Yadav, Commissioner, Jammu Municipal Corporation (JMC) is meaning to say which is literary a contradiction of its own kind, that for same very post of Compost-cum-Transport Officer, the method of recruitment is by deputation from Jammu and Kashmir Engineering Gazetted Service (Mechanical Wing).

12. This statement of fact means that there is a post of Compost-cum-Transport Officer very much obtaining in Jammu Municipal Corporation (JMC).

13. Moot point is when said post came to be introduced in the cadre of Jammu Municipal Corporation (JMC) on which this Court is finding Dr. Divyansh Yadav, Commissioner, Jammu Municipal Corporation (JMC) totally muted for the reason best known to him, be it for ignorance at his end in knowing the true state of affairs of Jammu Municipal Corporation (JMC) inside out or a deliberate design to keep this Court misinformed so as to keep the present contempt petition's proceedings in disarray.

14. This Court, therefore, calls upon Dr. Divyansh Yadav, Commissioner, Jammu Municipal Corporation (JMC) to appear in person to explain to this Court as to when the post of Compost-cum-Transport Officer in Jammu Municipal Corporation came to be introduced and is obtaining as on date by reference to which mode of appointment or deputation.

15. On the other hand, Mr. Suneel Malhotra, learned Government Advocate representing Housing and Urban Development Department, submits that the needful compliance, as solicited by this Court in an order dated **22.04.2026**, would be reported on the next date of hearing as official concerned is reported to be indisposed.

16. Time is extended for Mr. Suneel Malhotra, learned Government Advocate to report compliance by next date of hearing.

17. Government order **No. 40-HUD of 2019** dated **24.01.2019** is taken on record. The Registry is directed to tag the record of writ petition- **WP(C) No. 2989/2019** with the present file.

18. List on **20.05.2026**.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**06.05.2026**  
Sneha