



Sr. No. 87

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CCP(S) No. 298/2025 in
WP(C) No. 1880/2025

Rajesh Vatsa Petitioner/Appellant(s)

Through:- Mr. Ankur Sharma, Advocate

V/s

Govind Mohan and ors.Respondent(s)

Through:- Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadhichi, CGSC

CORAM :HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

27.09.2025

01. This petition seeking initiation of contempt proceedings against the respondents has been filed by the petitioner-Rajesh Vatsa, complaining that the order of retirement has been passed by the respondents while the petition filed by him seeking quashing of communication/ advice dated 21.05.2025 with regard to his compulsory retirement from service, is pending consideration and in violation of order dated 18.07.2025.

02. It is being submitted by learned counsel for the petitioner that by passing such an order, the writ petition has been rendered infructuous as in the writ petition, communication regarding his compulsory retirement is challenged. The passing of order of retirement would without waiting for the outcome of the writ petition amount to



disobedience and violation of the order passed by the Court on 18.07.2025.

03. To understand as to whether the order has been violated or disobeyed by passing the order of premature retirement, it would be appropriate to first consider the facts of the case and the claim made by the petitioner in this petition.

04. The petitioner-Rajesh Vatsa has filed writ petition i.e., WP(C) No. 1880/2025 whereby he has challenged Communication/Advice dated 21.05.2025 with regard to his "compulsory retirement from service" made by respondent No. 1, Ministry of Home Affairs, to respondent No.2, Director General- CRPF, based on the Confidential Advice tendered by the Union Public Service Commission, with regard to misconduct of the petitioner arising out of the enquiry initiated against him on the complaint dated 09.12.2006 which was lodged by a woman from Manipur to the State Women Commission, Manipur.

05. The petitioner claims that he is at the fag end of his service having suffered a lot for number of years and facing the disciplinary enquiry and that the Enquiry Officer had exonerated him from all the three charges, however, the Union Public Service Commission, based on the same record, has come to the conclusion that two of the charges, out of



three, have been proved against him and accordingly, recommended for his compulsory retirement.

06. The said communication recommending for his compulsory retirement from service has been challenged in the aforesaid writ petition and this Court passed the order, operative part of which is reproduced as under:-

“Meanwhile, the action, if any, taken on the basis of the impugned Communication dated 21.05.2025 shall be subject to the outcome of the main petition.”

07. Now the question arises as to whether passing the order of retirement would amount to disobedience of the order dated 18.07.2025 passed by this Court. What the Court has directed is that, if any action is taken on the basis of the impugned communication dated 21.05.2025, same shall be subject to the outcome of the main petition. Communication was with regard to compulsory retirement and the action which could be taken on the basis of said communication would be passing of the order of retirement.

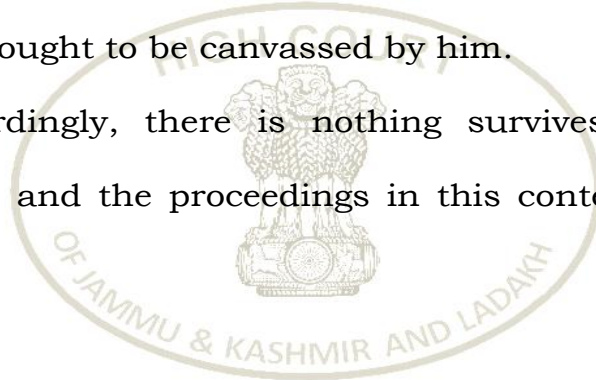
08. The order makes it clear that the Court has not prohibited the respondents from passing any such order but makes such an order, subject to outcome of the writ petition. It has been left open to them to take action as is clear from the order dated 18.07.2025, however, action taken had been made subject to the outcome of the writ petition.



09. The interpretation given by learned counsel for the petitioner or the submission made by him that the order, in fact, operated as a stay on the passing of the retirement order, is not a correct interpretation of the said order. The order is very simple and unambiguous which, in fact, had given option to the respondents to take action, however, the action is subject to the outcome of the writ petition.

10. The contention of learned counsel for the petitioner that the writ petition would otherwise become infructuous cannot, in any manner, assist him in interpreting the order in the manner sought to be canvassed by him.

11. Accordingly, there is nothing survives for further consideration and the proceedings in this contempt petition are closed.



(VINOD CHATTERJI KOUL)
Judge

JAMMU
RAM MURTI/PS
27.09.2025