

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

CPSW No. 255/2011

Bhupinder Singh

.....Appellant(s)/Petitioner(s)

Through: Mr. Vipin Gandotra, Advocate.

Vs

B. R. Sharma and Anr.

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG.

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

ORDER

22.09.2023

- 01.** The petitioner filed this contempt petition in the year 2011 by naming the then Commissioner/Secretary Home Department, J&K and Director General of Police, J&K as respondents for the act of non-compliance on their part with respect to the direction as given in judgment dated 08.07.2010 in the writ petition SWP no. 1453/2001 filed by the petitioner.
- 02.** In terms of the direction given by the writ court, the petitioner's seniority was directed to be reckoned from the date of appointment to be made by reference to an advertisement notice dated 10.09.1991 and revisiting of his seniority was to be over and above all the selectees having lesser marks than him. This needful compliance was to be carried out by the officials of the time within a period of three months by showing the name of the petitioner at the right place as directed.

- 03.** Since, the needful is reported to have not been done within a period of three months, the petitioner came forward with the present contempt petition naming Sh. B. R. Sharma then Commissioner/Secretary Home Department, J&K and Sh. Kuldeep Khuda the then Director General of Police, J&K. This act of non-compliance to the direction of the writ court was purely vesting on the shoulder of these two persons not to be passed on their successors in office given the tone and tenor of the direction as given.
- 04.** However, for the reasons best known only to the petitioner, the petitioner did not come forward with an application to get impleaded the successors-in-office to the post of Commissioner/Secretary Home Department, J&K and Director General of Police, J&K in view of continuing non-compliance after Sh. B. R. Sharma and Sh. Kuldeep Khuda came to be relieved from their respective posting from the said two posts.
- 05.** It has taken for the petitioner more than 13 years to come up with an application CM no. 5738/2023 to seek impleadment of Sh. Raj Kumar Goyal (IAS) presently posted and serving as the Additional Chief Secretary to Govt. (Financial Commissioner), Home Department, J&K and Sh. Dilbagh Singh, Director General of Police, J&K to be co-joined as contemnors purportedly meaning to say that the mandate to restore the seniority of the petitioner within a

period of three months has passed on to the present two officials after lapse of 12 years.

- 06.** Mr. Vipin Gandotra, the learned counsel appearing for the petitioner submits that the contempt is a continuing cause of action the petitioner on his part had made representations from time to time for the purpose of seeking compliance of the Court direction including representation made to the present incumbents who had chosen to stay non-responsive in the matter of compliance, however, the present application is not being accompanied with the said representations.
- 07.** Mr. Vipin Gandotra, the learned counsel appearing for the petitioner seeks time to place on record said representations by moving a motion to this effect.
- 08.** Let the requisite be done before this Court considers directing impleadment of the present incumbents as party respondents in the present contempt petition. Needful be done within a period of two weeks.
- 09.** List again on 01.11.2023.

(Rahul Bharti)
Judge

Jammu
22.09.2023
Bunty