

Serial No. 20
Regular List-1

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

**CPSW No. 255/2011 in
SWP No. 1453/2001**

Bhupinder Singh

.....Petitioner

Through: Mr. Karan Singh, Advocate vice
Mr. Vipin Gandotra, Advocate

Vs

Raj Kumar Goyal, Secy. Home Deptt. & Ors.

.....Respondents

Through: Ms. Chetna Manhas, Assisting Counsel
to Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
(01.04.2026)

- 01.** The petitioner, through the medium of the present contempt petition, is seeking implementation of the judgment dated 08.07.2010 passed by the writ Court, whereby it was directed that the selection of the petitioner shall be deemed to have been made vide Advertisement Notice No. Estt/Pros-9/91/37224-94 dated 10.09.1991. It has been further provided that seniority of the petitioner would date back from the date the appointments have been made in pursuance to the aforesaid advertisement notice and that he would figure over and above all those persons who have secured lesser

marks in selection process. The exercise was to be completed within a period of three months by showing the name of the petitioner at the right place, as indicated in the judgment.

02. The present contempt petition was filed by the petitioner on 07.10.2011 and notice of the petition was issued to the respondents on 24.10.2011. It seems that the contempt petition was not listed thereafter and it was listed only on 13.09.2023 on which date the petitioner had sought time to lay motion for substitution of new incumbents. On 01.11.2023, the application of the petitioner seeking impleadment of new incumbents was allowed and notice was issued to the new incumbents. On 12.02.2024, the respondents were given last and final opportunity to file compliance report/statement of facts. The statement of facts came to be filed by the respondents on 11.03.2024. The statement of facts filed by the respondents was still under consideration when the respondents changed their position, which compelled the petitioner to file another application for bringing on record the new incumbents.

03. In the statement of facts dated 11.03.2024, the respondents have expressed their inability to implement the judgment of the Court on the ground that issues

relating to the seniority of officers of the service at various levels have been settled, consequent to which promotions have also been made. It has been submitted that the petitioner has also been promoted and is presently working as Deputy Director, Prosecution and that there is practical difficulty to implement the judgment of the writ Court at this stage, as the same would impact and disturb the seniority of the cadre of the Prosecution Department. The said stand has been reiterated by the respondents in their fresh statement of facts filed on 12.02.2026.

- 04.** I am amazed with the kind of stand that has been taken by the respondents in the present case. The respondents are proceeding the instant matter as if it is the petitioner who is responsible for the delay in implementing the judgment of the writ Court. The petitioner had approached this Court by way of a writ petition at the appropriate stage in the year 2001 and he succeeded in getting the relief in his favour, restricted to the issue of seniority in July 2010 when the judgment was passed by the writ Court. When the respondents did not implement the judgment of the writ Court he was compelled to file the present contempt petition on 07.10.2011. Notice of the petition was issued to the said respondents on

24.10.2011, whereafter the contempt petition was not listed till the year 2023. Non-listing of case of the petitioner by the Registry of the High Court for twelve long years cannot be attributed to the petitioner. Therefore, in no way the petitioner can be held responsible for the delay in implementation of the judgment of the writ Court.

- 05.** Ordinarily, the petitioner should not have been compelled to approach this Court by way of contempt petition for seeking implementation of the judgment delivered in his favour. As a model litigant, it was the responsibility of the respondent/State to implement the judgment of the writ Court without there being any further pushing and prodding from this Court to the respondents. Instead of implementing the judgment on their own, the respondents forced the petitioner to again approach this Court by way of contempt petition. Because of the delay that has been caused by the respondents in implementing the judgment of the writ Court, the subsequent developments may have taken place but these developments cannot defeat the rights which have accrued in favour of the petitioner by virtue of the judgment sought to be implemented.

- 06.** The stand taken by the respondents is, therefore, nothing but an attempt on their part to take advantage of their own lethargic attitude in implementing the judgment of the writ Court, which is impermissible in law.
- 07.** In view of the above, the respondents are directed to come up with the compliance report strictly in terms of the judgment of the writ Court, failing which, proceedings under the provisions of Contempt of Courts Act, shall be initiated against them.
- 08.** List on **06.05.2026.**

**JAMMU
01.04.2026
SUNIL**

