

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

Case:- CCP(S) No.436/2024

Shahen Shah

.....Applicant(s)/Petitioner(s)

Through: Mr. Sumit Moza, Advocate

Vs

Chandraker Bharti & Ors.

.....Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG

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

ORDER
(15.04.2026)

1. This Court has no hesitation in observing that the Government and its officials, including high ranking officials, show scant attention and deference towards the finality attained verdict/s of this Court warranting immediate compliance to be done at their respective end so as to bring litigation to its logical fruition which then leads a litigant, having earned a judgment/s from a constitutional court, to come up with a compulsive contempt petition which then again consumes not only working hours and energy but national resource in terms of the money investment made by the litigant in engaging lawyer, preparing brief for the consideration of the court, then to be answered by the named contemnors.

2. The petitioner herein suffered disengagement from posting of Special Police Officer (SPO) in **September 2019** which he came to challenge in a writ petition **WP(C) No.1457/2022** to

salvage his reputation with passing of judgment dated **07.06.2024** directing his reinstatement with all consequential benefits excluding payment of emoluments from the date of his disengagement till date of restoration.

3. The judgment of the learned writ court was assailed in an Letters Patent Appeal (LPA) **No.152/2025** from the end of three writ respondents.

4. Said **LPA No.152/2025** was adjudicated on merits resulting in its dismissal vide judgment dated **06.08.2025** holding therein that writ court judgment dated **07.06.2024** suffers from no infirmity whatsoever.

5. The day when the Hon'ble Division Bench in terms of judgment dated **06.08.2025** upheld the writ court judgment dated **07.06.2024**, it ought to have activated the writ respondents/appellants in LPA on a course correction and compliance by ordering the restoration of the petitioner back to his service as SPO but it appears that the passing of judgments by the constitutional court is taken as a matter of routine affair by the Government and its officials, as if contempt is a must ritual to be performed for the court to beg for coming up in compliance that too by exhausting all sorts of exertion and excuses on one pretext and another by the contemnors.

6. The petitioner, who is a common man by every definition, kept his trust in the rule of law while being dismissed as Special Police Officer (SPO) and that is what feeds the rule of law environment in this country contrary to the Government of UT of Jammu and Kashmir and its officials for whom a cause of a

dismissed Special Police Officer adjudged to be restored is not of an importance to receive prompt compliance of the writ court judgment and this is what erodes the rule of law.

7. This Court is on the brink of inclination to frame rule against three respondents but in the interest of justice grants one week's opportunity to three respondents to come up with full compliance of writ court judgment of restoring the petitioner back to his service as Special Police Officer (SPO) with placement of an order to said effect on the file of this Court failing which, on the next date of hearing, all the three respondents i.e., **Sh. Chandraker Bharti, (IAS)**, Principal Secretary to Government, Home Department J&K Government, **Mr. Nalin Prabhat**, Director General of Police, J&K and **Sh. Joginder Singh**, Senior Superintendent of Police (SSP), Jammu shall remain present in person.

8. A copy of this order be forwarded to Mrs. Monika Kohli, learned Senior AAG for notice and compliance at the end of above named three respondents.

9. Copy of the Division Bench judgment in **LPA No. 152/2025** has been provided by Mr. Sumit Moza, Advocate which is taken on record.

10. List on **22.04.2026**.

(RAHUL BHARTI)
JUDGE

JAMMU
15.04.2026
Sneha