

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

**CPSW No. 183/2016 in
SWP No. 2056/2010**

Satish Kour and othersAppellant(s)/Petitioner(s)

Through: Ms. Deepali Arora, Advocate

vs

Shafiq Raina, Secy. CAPDD and another Respondent(s)

Through: Mr. Sumeet Bhatia, GA

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

07.08.2024

1. Compliance report dated 28.04.2023 was filed, wherein in Para '8', it has been stated that the decision/approval of the competent authority in the matter is expected very soon and once these rules are approved by the competent authority, the concerned HOD/Disciplinary authority, being competent authority to manage the service and consider promotions of the petitioners would be asked, immediately, to consider the cases of the petitioners and other eligible officials for promotion in accordance with the rules approved by the competent authority. Further compliance report dated 28.08.2023 has been submitted by the respondents stating therein that basic appointment of the incumbent petitioners was not in consonance with law as no advertisement was issued, as such, formulation of service of such appointees and granting of consequential promotions would be unjustified.

2. This Court after perusing the order dated 04.09.2015, non-compliance of which has been reported to this Court, finds that in the reply filed by the respondents to the writ petition, the stand was taken by the respondents therein that they have initiated a process for framing recruitment rules and till the rules are framed, J&K Secretariat Subordinate Service Recruitment Rules, 1988 would be applicable to the employees of the Divisional Consumer Protection Forum. Further the Court had observed that till such time the specific rules are framed by the Government with regard to the employees of Divisional Consumer Forum, their cases are required to be considered in accordance with J&K Secretariat Subordinate Service Recruitment Rules, 1988 and the respondent therein had made a statement that the petitioners' cases would be considered for promotion under the Rules applicable to them in the interregnum.
3. The stand of the respondent in the statement of facts is contrary not only to the stand taken by them in their response to the writ petition but also is in flagrant violation of the order dated 04.09.2015. This Court is satisfied that there is a deliberate non compliance of the order passed by this Court. Respondent No. 1 shall remain present before the Court on the next date of hearing to show cause as to why he should not be proceeded against for violating the order passed by this Court.
4. List on 12.08.2024.

(RAJNESH OSWAL)
JUDGE

Jammu
07.08.2024
Neha-II