

Serial No. 01
Regular List

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

CCP(S) No. 5921/2025 in
WP(C) No. 2914/2024

**Colonel Joy Deep Singh Kotwal &
Ors.**

.....Petitioners

Through: Mr. Rajesh Bhushan, Advocate

Vs

**Brigadier Gurmeet Singh Shan,
Director Sainik Welfare Department, Amphalla, Jammu**

.....Respondent

Through:

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

**ORDER
(08.05.2026)**

01. Four (04) petitioners as being ex-army officials having retired from the rank of Colonel, came forward with a writ petition being **WP(C) No. 2914/2024** claiming therein the following reliefs :-

- A. Mandamus commanding the respondents to implement SO 676 of 2022 dated 12.12.2022 in letters and spirit and extend the benefits of the same viz a viz petitioners and pay ignorable portion of pension, increments, Dearness Allowance, and other allowance which they are entitled after SO 676 has come into force;**
- B. Mandamus commanding and directing respondent No. 3 refix the Pay of petitioners who are re-employed pensioners, in terms of aforesaid SO 676 of 2022;**
- C. Mandamus commanding and directing respondent No. 3 to calculate and pay arrears to the petitioner as per of SO 676 of 2022 dated 12.12.2022 from**

the date they are eligible and therefore entitled to receive the same;

- D. Interest on the arrears which the petitioners were lawfully entitled to and were deprived of by respondent No. 3, inter-alia others, and costs of present litigation;

OR

Any other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the case may also be granted in favour of petitioners.

02. In said writ petition, the respondents named were (i) **U.T. of J&K through Chief Secretary, Government of Jammu and Kashmir, Civil Secretariat, Jammu - 180001;** (ii) **Commissioner/Secretary, Home Department, Government of Jammu and Kashmir, Civil Secretariat, Jammu - 180001** and (iii) **Director, Sainik Welfare Department, Amphalla, Jammu - 180001.**

03. Upon mutual consent of learned counsel representing both sides i.e., Mr Rajesh Bhushan, learned Advocate for the petitioners and Mrs. Monika Kohli, learned Senior Additional Advocate General being represented through assisting counsel Ms. Aparna Gupta, learned Advocate, the writ petition came to be disposed of without adjudication on merits by directing the writ respondents to accord consideration to the case of the petitioners

strictly in conformity with the **S.O. 676 of 2022 dated 12.12.2022** subject to the eligibility of the petitioners.

- 04.** The consideration exercise was to be done within a time frame set out from the date of delivery of certified copy of the writ Court order along with the writ petition and annexures therewith, being made available to the writ respondent No. 3-Director, Sainik Welfare Department, Amphalla, Jammu.
- 05.** There was a further direction unto the writ respondents that in case the result of the consideration to be accorded to the case of the petitioners was to be found to be in their favour, then the writ respondents were supposed to re-fix the pay of the petitioners as being re-employed pensioners in terms of **S.O. 676 of 2022 dated 12.12.2022.**
- 06.** The entire exercise to be done in two phases was meant to be done at the end of the writ respondents within a period of four weeks from the date of compliance of the direction to be carried out at the end of the petitioners in the matter of delivery of certified copy of the writ Court order along with the writ petition and the annexures thereto.

- 07.** Before the second part of exercise was to be done within a period of four weeks, the first part of exercise which was mandated upon the respondent No. 3-Director, Sainik Welfare Department, Amphalla, Jammu, the timeline was six weeks from the date of delivery of certified copy of the writ Court order along with copy of the writ petition and the annexures thereto.
- 08.** The petitioners are said to have addressed a legal notice dated **07.01.2025** to the writ respondent No.3-Director, Sainik Welfare Department, Amphalla, Jammu which was accompanied with a copy of the order dated **03.01.2025** along with copy of the writ petition and the annexures therewith.
- 09.** The legal notice was addressed from the end of Ms. Vishali Sharma, learned Advocate addressed to the respondent No. 3-Director, Sainik Welfare Department, Amphalla, Jammu. The delivery of the notice is said to have taken place *dasti* though, there is no receipt from the end of the respondent No. 3-Director, Sainik Welfare Department, Amphalla, Jammu to said effect of having ever being served such a legal notice.
- 10.** For the reasons best known to the petitioners or for that matter their legal advisor, the petitioners stayed inactive

only to revive their interest in the matter with issuance of fresh legal notice dated **06.09.2025** through Ms. Ranjana Devi, learned Advocate again addressed to the respondent-Director, Sainik Welfare Department, Amphalla, Jammu wherein it came to be mentioned that copy of order dated **03.01.2025** along with writ petition and annexures was sent through registered post and also delivered *dasti* on **09.01.2025**.

- 11.** Since no response came forth from the end of the respondent-Director, Sainik Welfare Department, Amphalla, Jammu so a reminder legal notice dated **06.09.2025** was addressed with a copy addressed to the Chief Secretary, Government of J&K as well as Commissioner/Secretary, Home Department, Government of J&K, sent by registered post on **06.09.2025**.
- 12.** Being aggrieved that there is no response whatsoever much less a consideration from the end of the respondent No. 3-Director, Sainik Welfare Department, Amphalla, Jammu, as such, the petitioners came forward with the institution of the present contempt petition on **29.12.2025**.

- 13.** This contempt petition has been notified about the defects as set out in the Examiner's Report.
- 14.** Despite the defects being notified way back on **27.12.2025**, the counsel for the petitioners did not come forward for doing the needful and that has led to the listing of this contempt petition before the Bench for an appropriate order.
- 15.** Though, this Court is not satisfied with the submissions of Mr. Rajesh Bhushan, learned counsel for the petitioners but still in the interest of justice, this Court is granting last opportunity of next **ten days** to Mr. Rajesh Bhushan, learned Advocate for the petitioners to do the course correction and if the same is done within the time then only the case be listed before the Bench otherwise the case be consigned to records without reference to the Bench on account of non-compliance at the end of Mr. Rajesh Bhushan, learned Advocate, for doing the defects removal.

(RAHUL BHARTI)
JUDGE

JAMMU
08.05.2026
SUNIL