

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

CPSW No.603/2017

Sardari Lal and another

.... Petitioner(s)

Through :- Mr. Rahil Raja, Advocate

V/s

F.A. Shah and another

....Respondent(s)

Through :- Mr. Raman Sharma, AAG

Coram: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER
03.04.2023

This is a petition seeking initiation of contempt petition against the respondents for willful disobedience and non-compliance of judgment of this Court passed in SWP No.891/2006 on 11.11.2016. The relevant portion of judgment/order dated 11.11.2016 reads thus:

“3. When the matter was taken up today, learned counsel for the parties jointly submitted that the controversy involved in this writ petition is squarely covered by the Division Bench decision of this court dated 30th July, 2009 passed in LPASW No.49/2008.

4. In view of the aforesaid submissions and for the reasons assigned by the Division Bench in the aforesaid order, this writ petition is also disposed of on the same terms and with similar directions.”

The operative of the judgment passed in LPASW No.49/2008, in terms whereof, the writ petition was disposed of is reproduced hereunder:-

“In the circumstances, for all practical purposes, it must be deemed that by way of a policy decision, the State Government created 417 more posts and in those posts, by the order dated 4.4.2003 those 417 persons, who were permitted to work in the earlier 417 posts on temporary basis by the order dated 11.4.2002, were regularized. In consequence thereof, it must be deemed that there are still 417 posts available, which are to be supplied by the people who responded to the advertisement, which was published in 2000, making it clear that the same is being published in terms of the Court order rendered on 23.5.2000.

In view of the discussion made above, it must be deemed that the said advertisement was for supplying 417 posts, which fell vacant by reason of the pronouncement of the Court. The number of writ petitioners is less than 417. Accordingly, all of them can be accommodated. There will, therefore, be no occasion to take recourse to upsetting the orders of the Government dated 11.4.2002 and 4.4.2003.

In the circumstances, the exercise to be undertaken in terms of the judgment and order under appeal be completed within a period of six months from today and to the extent as above the judgment and order under appeal is modified with clarifications.

The fact that the respondents have not complied with the judgment till date is not in dispute. Learned counsel for the respondents submits that he would file detailed compliance report indicating compliance of the judgment in letter and spirit.

Having regard to the fact that this contempt petition is pending since the year 2017 and order/judgment of this Court dated 11.11.2016 has not been complied with so far, four weeks' last and final opportunity is granted to the respondents to comply with the judgment in letter and spirit. In the event of failure to comply with the judgment in letter and spirit, officer responsible for its

non-compliance shall remain present in the Court on the next date of hearing. In case, judgment is complied with, concerned officer need not to appear.

List on 8th May, 2023.

(Vinod Chatterji Koul)
Judge

Jammu:
03.04.2023.
Vinod, PS

