

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

LPA No. 36/2023
CM No. 1989/2023
c/w
LPA No. 194/2023
CM Nos. 6431/2023, 6432/2023

UT of J&K, Department of Social Welfare
through Commissioner/Secretary Social Welfare
Department

....Petitioner(s)/Appellant(s)

Through :- Mr. Ramesh Arora, AAG

V/s

1. Surinder Kumar S/o Sh. Narsigh Das
R/o Akhnoor, District Jammu
2. Neelan Chadha D/o Sh. Shashi Chadha
R/o Bakshi Nagar Jammu
3. Mohd. Naseen S/o Sh. Banka Bhatti
R/o Kollian Tehsil Haveli District Poonch
4. Akshay Kumar S/o Sh. Jagdish Raj
R/o Nandrol P/O Rayal Tehsil Bishnah
District Jammu
5. Mohd. Sageer S/O Sh. Gulam ud Din
R/o Lasana
6. Sadiq Ansari S/O Sh. Sugar Din
R/O Sialini, Tehsil Bilawar Kathua

....Respondent(s)

Proforma respondent:

1. Managing Director, JK SC, ST and
Backward Classes Development
Corporation, Jammu

Through :- Mr. Abhinav Sharma, Sr. Advocate with
Mr. Abhirash Sharma, Advocate

**CORAM: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

ORDER
27.12.2023

LPA No. 36/2023

This letters patent appeal has been filed by the appellant against order dated 18.03.2023 passed by the learned Single Judge in CPSW No. 471/2015, whereby directing personal appearance of Mrs. Sheetal Nanda,

Commissioner/Secretary, Social Welfare Department, UT of Jammu & Kashmir and also impleaded her as co-respondent.

It is contended that the respondents herein have filed the contempt petition being CPSW No. 471/2015 titled "*Surinder Kumar & Ors. vs. Yashpal Suman & Anr.*" for non compliance of judgment dated 06.09.2002 passed in SWP No. 595/2001 titled "*Surinder Kumar & Ors. vs. Yashpal Suman*" and the appellant department was not a party respondent either in the main writ petition or in the contempt petition.

Mr. Ramesh Arora, learned AAG argued that the learned Single Judge, without issuing notice to show cause, has taken cognizance by directing personal appearance of Mrs. Sheetal Nanda, Commissioner/Secretary, Social Welfare Department, UT of Jammu & Kashmir and also arrayed as co-respondent, which is not only beyond the jurisdiction of the contempt Court, but also a clear violation of principle of natural justice.

This Court vide order dated 03.04.2023 has dispensed with the personal appearance of Commissioner/Secretary Social Welfare Department-Ms. Sheetal Nanda till further orders. On perusal of the record of the contempt petition, it is found that vide order dated 03.04.2023 the Contempt Court has also dispensed with the personal appearance of Mrs. Sheetal Nanda, Commissioner/Secretary, Social Welfare Department.

The instant appeal has been filed by one Manoj Kumar, Under Secretary to Government, Social Welfare Department, who is not competent to file this appeal as vide impugned order dated 18.03.2023 the Contempt Court directed for personal appearance of Mrs. Sheetal Nanda, Commissioner/Secretary, Social Welfare Department, UT of Jammu & Kashmir

and also impleaded her as co-respondent. Therefore, this appeal is not maintainable.

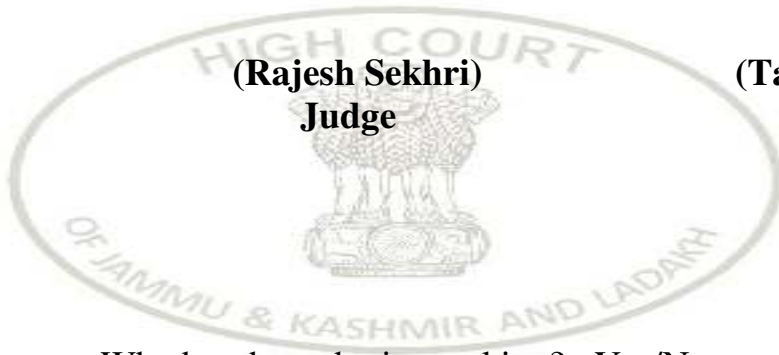
Accordingly, without expressing any opinion on the merits of this case, this appeal is **dismissed** being not maintainable.

LPA No. 194/2023

List on 04.03.2024.

Meanwhile, interim direction, if any, to continue.

Jammu:
27.12.2023
Pawan Angotra



Whether the order is speaking? : Yes/No

Whether the order is reportable? : Yes/No