

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

Case:- CCP (S) 47/2021 In
SWP No. 827/2018

Mohd. Shakeel, Age 26 years, S/o Mohd Ayoub,
Resident of Village Kasbiari, Tehsil Mendhar,
District Poonch.

.....Petitioner(s)

Through: None.

Vs

1. M Raju, Commissioner Secretary,
PHE Department, Civil Secretariat, Jammu/Srinagar;
2. Ashok Kumar Gandotra, Chief Engineer, PHE Jammu;
3. Prem Nath Gupta, SE PHE Poonch;
4. Rajinder Sharma, Executive Engineer, PHE Poonch;
5. Sandeep Nath Sharma AEE PHE Mendhar.

..... Respondent(s)

Through: Ms. Chetna Manhas, Advocate vice
Mrs. Monika Kohli, Sr. AAG.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
(03.03.2025)

- 01.** The instant contempt petition has been filed for willful disobedience and defiance of the order dated 26.02.2019 passed by a Co-ordinate Bench of this Court in SWP No. 827/2018, by virtue of which, the respondents have been directed to consider the case of the petitioner and decide the same in terms of the recommendation made by the respondents in accordance with the rules governing the field within a period of eight weeks from the date copy of the said order was made available to the respondent concerned.
- 02.** Learned counsel appearing for the respondents submits that she has filed a fresh compliance report on behalf of the respondents on 19.11.2024. However, the same is not traceable. She has provided copy of the same to this Court, which is taken on record.
- 03.** In the aforesaid compliance report filed on behalf of respondent

No. 4-Executive Engineer, PHE Poonch, a specific stand has been taken in paras-4 &5, which are reproduced as under:-

“4. It is respectfully submitted that the case of the petitioner namely Mohd. Shakeel S/o Mohd. Ayoub, with regard to treating him under Compassionate Appointment i.e. SRO-43 of 1994 is lying pending in the office of the Deputy Commissioner, Poonch for want of clearance under SRO-120 of 2018. Accordingly, the respondent no. 04 i.e. Executive Engineer, Jal Shakti (PHE) Division Poonch had made communication to the Deputy Commissioner, Poonch vide no. PHEP/3024-26 dated: 07-09-2024 and requested the Deputy Commissioner, Poonch, to issue the certificate under SRO-120 of 2018 whose compassionate appointment cases under SRO-43 of 1994 is lying pending in his office. The copy of the communication made by the respondent no. 04 i.e. Executive Engineer, Jal Shakti (PHE) Division Poonch to the Deputy Commissioner, Poonch for early disposal of pending compassionate appointment cases under SRO-43 of 1994 dated: 07-09-2024 is annexed herewith as Annexure-1 for kind perusal of this Hon’ble High Court of J&K & Ladakh at Jammu.

5. That in this regard, the Deputy Commissioner, Poonch had issue Certificate vide its communication no. DCP/Gen/422 dated: 21-10-2024. Consequently, the respondent no. 04 i.e. Executive Engineer, Jal Shakti (PHE) Division Poonch had forwarded the same before the higher authorities for further course of action. The copy of the certificate issued by Deputy Commissioner, Poonch is annexed herewith as Annexure-II for kind perusal of this Hon’ble High Court of J&K & Ladakh at Jammu.”

- 04.** In light of the aforesaid stand taken by the respondent No. 4, the matter has been referred to the Deputy Commissioner, Poonch, who has issued a certificate in terms of Communication dated 21.10.2024 and pursuant thereto, the respondent No. 4 has forwarded the same to the higher authorities for further course of action and learned counsel for the respondents submits that it will require another four weeks to pass the final order in conformity the order/judgment passed by this Court on 26.02.2019 passed in SWP No. 827/2018 and, accordingly, she prays for four weeks’ further time to comply the aforesaid order in its letter and spirit.
- 05.** Learned counsel appearing for the respondents further assures this Court that the order/judgment under challenge will be complied with, within a period of four weeks from the date of receipt of a certified copy of this order
- 06.** In light of the assurance extended by learned counsel appearing for the respondents, no fruitful purpose would be served to keep the instant

contempt petition pending. Accordingly, proceedings in the instant contempt petition are *closed*. Rule, if any, shall stand *discharged*.

07. It is made clear that in case, the order/judgment dated 26.02.2019, is not complied with, within the aforesaid period, in that eventuality, the petitioner will be at liberty to revive the instant contempt petition and the Court will be constrained to take coercive measures against the respondents.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
03.03.2025
Ram Krishan

