

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

Case:- CPSW No. 135/2019 in
SWP No. 2626/2018

Jagbir Singh, Age 60 years, S/o Sh. Amolak Singh, ...Petitioner(s)
H. No. 397, Govindpur Chatha, Tehsil & Distt. Jammu.

Through: Mr. Surinder Kour, Sr. Advocate with
Ms. Manpreet Kour, Advocate.

Vs

- 1. Ajit Kumar Sahu,** Respondent(s)
**Commissioner/Secretary to Govt., PHE, Irrigation
& Flood Control, Govt. of J&K, Civil Sectt., Jammu;**
- 2. Sh. Ashok Kumar Gandotra,**
Chief Engineer, PHE, Jammu;
- 3. Sh. M.P. Singh,**
**Superintending Engineer, PHE Mechanical,
Urban Circle, Jammu;**
- 4. Jasbir Pal Singh, Executive Engineer, PHE City
Division-II, Jammu;**
- 5. Shour Jo Chatterji,**
Accountant General (A&E), J&K Jammu.

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

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

JUDGMENT(ORAL)
(02.04.2025)

01. The instant contempt petition has been preferred against the respondents/contemnors for their willful disobedience and defiance of the order/judgment passed by this Court dated 26.12.2018 in SWP No. 2626/2018, whereby the writ petition preferred by the petitioner was disposed of with a direction that the retiral benefits of the petitioner be paid to him within a period of four weeks from the date of receipt of the said order, if there is no legal hitch in releasing thereof.

02. Since the aforesaid order was not complied with within the period granted by this Court, the petitioner has preferred the instant contempt petition,

in which notice was issued way back on 15.04.2019.

03. The record reveals that various statements of facts/compliance report have been filed on behalf of the respondent Nos. 1 to 4 and respondent No. 5 separately. The latest compliance report has been filed on behalf of respondent No. 5, i.e., Accountant General on 16.10.2024, wherein a stand has been taken by the said respondent that the case of the petitioner has been settled on the last pay drawn by him after allowing the benefit of deleted SRO No. 59/149, subject to relaxation of rules and, accordingly, the aforesaid decision was communicated to respondent No. 1 by the Office of the Accountant General vide Communication dated 24.04.2024.

04. The further stand of the respondent No. 5 in the compliance report so filed is that the revised pension was to be authorized, subject to approval of the Administrative Department and payment of the petitioner was subject to relaxation of the rules for giving such benefit of deleted SRO 59 and copy of the Communication dated 24.04.2024 has been placed on record.

05. In so far as the respondent Nos. 1 to 4 are concerned, the latest compliance report has also been filed, in which a specific stand has been taken that the case of the petitioner has been considered under the relevant rules and a detailed speaking order No. 02 of 2025 dated 08.02.2025 has been issued, wherein the case of the petitioner has been found to devoid any merit and stood rejected for the reasons stated in the aforesaid consideration order. Copy of the compliance report although is not on record. Copy of the said compliance report along with a detailed consideration order has been furnished to this Court by the learned counsel appearing for the respondents, which is taken on record.

06. From a bare perusal of the order of consideration No. 02 of February, 2025 dated 08.02.2025, it is apparent that the petitioner was shifted from Permanent Daily Labour (PDL) to regular establishment and was appointed as "Turn Cock" in the pay scale of ₹345-460/- vide order dated 28.08.1985 issued by the Executive Engineer, PHE City Division, Jammu.

07. The record further reveals that the benefit of SRO 14 of 1996, i.e., first time bound promotion was granted to the petitioner w.e.f. 01.01.1995 and, accordingly, he was placed in the pay scale of ₹775-1025 and revised pay scale

of Rs.825-1200 w.e.f. 01.01.1987 vide order dated 15.11.1997 issued by the Executive Engineer, Jal Shakti (PHE) City Division-I/II. The benefit of second in-situ promotion vide SRO 14 of 1996 was also granted to the petitioner in the pay scale of ₹950-1500 w.e.f. 01.04.1997 vide order dated 02.07.1998 issued by the Executive Engineer, Jal Shakti, (PHE) City-I and, accordingly, revised pay of the petitioner was fixed in the pay scale of ₹2820/- in pursuance to SRO 18 dated 19.01.1998. Pursuant thereto, the third in-situ promotion was also granted to the petitioner on 01.04.1998 and the pay was enhanced to ₹3125/- and later on, a special increment was also granted to the petitioner. Pursuant thereto, the petitioner has been promoted in the pay scale of ₹5200+20200+1900 (Grade Pay) (functional) vide order dated 16.01.2014 issued by the Executive Engineer (PHE), City Division-I Jammu and in pursuance of SRO 193 dated 24.04.2018, the pay of the petitioner was fixed in the pay scale of ₹9300-34800 with grade pay of ₹4200 at ₹53,600/- per month.

08. A perusal of the detailed order of consideration also reveals that the benefits of SRO 59 dated 16.02.1990 has been withdrawn by the Government beyond 15.01.1996 and, accordingly, the Finance Department has directed the Administrative Department to adhere to the instructions relating to the grant of extending the benefits of SRO 59 and the issuance of another SRO 14 was put to an end to the application of SRO 59 from 15.01.1996.

09. The perusal of the consideration order further reveals that the pension case of the petitioner was sent to the office of Principal Accountant General for authorization of pensionary benefits, who authorized provisional pension @ ₹18,750/- per month in favour the petitioner vide order dated 01.04.2021 under PPO No. 1121146636.

10. It is a settled proposition of law that the Court while exercising contempt jurisdiction cannot enlarge the scope and ambit of the writ Court order since the order dated 26.12.2018 passed by the writ Court in the main petition stands complied with.

11. Thus, in light of the aforesaid backdrop, the case of the petitioner was accorded due consideration strictly in tune with order/judgment passed by this Court dated 26.12.2018, as the same being found, devoid of any merit, was not covered under rules and, therefore, rejected by virtue of a detailed

consideration order dated 08.02.2025. Accordingly, this Court is of the view that the order passed by this Court dated 26.12.2018 stands complied with, as the direction passed by this Court to release the retiral benefit to the petitioner was subject to any other legal impediment coming in the way of the petitioner.

12. This Court is also of the view that since the respondents by virtue of the detailed consideration order dated 08.02.2025 have spelt out the reasons for rejection of the case of the petitioner, therefore, no fruitful purpose will be served to keep this contempt petition alive, as the order/judgment passed by this Court (mentioned supra) stands complied with.

13. Accordingly, proceedings in the instant contempt petition are *closed*. Rule, if any, shall stand *discharged*. However, petitioner will be at liberty to challenge the aforesaid order dated 08.02.2025, if so advised.

JAMMU
02.04.2025
Ram Krishan

(WASIM SADIQ NARGAL)
JUDGE

Whether the order is speaking? Yes/No
Whether the order is reportable? Yes/No

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