

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

Case: CCP(S) No. 416/2024 IN
WP(C) No. 1256/2024

Hardev Singh Jamwal

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

Through :- Mr. Pawan Choudhary, Advocate

Vs

Nitin Chandra Secretary Ex Service Man
Welfare New Delhi and Anr.

.....Respondent(s)

Through :- Mr. Sumant Sudan, Advocate vice
Mr. Vishal Sharma, DSGI

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
17.09.2025

01. The instant contempt petition arises out of an order/judgment dated 31.05.2024 passed by this Court in WP(C) No. 1256/2024 by virtue of which the writ petition preferred by the petitioner was disposed of with a direction to respondent Nos. 2 & 3 to consider and decide the representation dated 11.09.2023, if not already decided, strictly in accordance with the provisions of law and the respondents were also directed to accord due consideration to communication dated 15.01.2019. The process of consideration and deciding the representation was required to be concluded within a period of one month, from the date copy of the aforesaid order along with writ petition was served upon respondent Nos. 2 & 3.

02. Since the aforesaid order was not complied with within the time granted by this Court, the instant contempt petition was preferred in which notice was issued on 04.12.2024.

03. However, learned counsel for the petitioner has pleaded in the instant contempt petition that the aforesaid order/judgment dated 31.05.2024 passed by this Court was served well in time and yet the same has not been complied with as on date.

04. What to talk of complying the aforesaid order within a period of one month from the date of receipt of the aforesaid order, the same has not been complied with within a lapse of more than one year and the petitioner is clamouring for implementation of the order/judgment dated 31.05.2024 in which notice was issued way back in December, 2024 yet respondents have chosen not to file any reply.

05. However, on the other hand learned counsel for the respondents has placed on record communication dated 27.08.2025 wherein, the case of the petitioner has been forwarded to High Power Committee. The communication further reveals that Ministry of Defence has already sought recommendation of concerned specialist as member of High Power Committee processing the case to CFA. Accordingly, HPC claim file has been submitted for recommendation/remarks of the concerned specialist as a member of High Power Committee with the request to return the same for onward submission to the Ministry of Defence for its final decision.

06. Learned counsel for the respondents further submits that the case of the petitioner is in active consideration and, accordingly, he seeks one month's time to come up with final compliance of order/judgment dated 31.05.2024 passed by this Court and the prayer of the respondents in this regard is opposed by learned counsel for the petitioner in the backdrop of judgment passed by Apex Court in case titled **Shiva Kant Jha Vs. Union of India** decided on 13.04.2018. Apex Court in para 16 of the aforesaid judgment has been pleased to observe as under:-

“16) Further, with regard to the slow and tardy pace of disposal of MRC by the CGHS in case of pensioner beneficiaries and the unnecessary harassment meted out to pensioners who are senior citizens, affecting them mentally, physically and financially, we are of the opinion that all such claims shall be attended by a Secretary level High Powered Committee in the concerned Ministry which shall meet every month for quick disposal of such cases. We, hereby, direct the concerned Ministry to device a Committee for grievance redressal of the retired pensioners consisting of Special Directorate General, Directorate General, 2 (two) Additional Directors and 1 (one) Specialist in the field which shall ensure timely and hassle free disposal of the claims within a period of 7 (seven) days. We further direct the concerned Ministry to take steps to form the Committee as expeditiously as possible. Further, the above exercise would be futile if the delay occasioned at the very initial stage, i.e., after submitting the relevant claim papers to the CMO-I/C, therefore, we are of the opinion that there shall be a timeframe for finalization and disbursement of the claim amounts of pensioners. In this view, we are of the opinion that after submitting the relevant papers for claim by a pensioner, the same shall be reimbursed within a period of 1 (one) month.”

07. Pursuant thereto, Government of India, Ministry of Health and Family Welfare vide office memorandum dated 06.06.2018 has already decided to issue guidelines to the Additional Directors of CGHS for implementing these decisions and the guidelines have been framed in conformity with the directions

issued by Apex Court. In addition, Government of India, Ministry of Defence vide policy dated 15.01.2019 has already relaxed the rules for consideration of reimbursement in excess of the approved rates pertaining to medical claims under ECHS and that too with the concurrence of Ministry of Defence vide communication dated 03.01.2019.

08. Thus, in the aforesaid backdrop, learned counsel for the petitioner submits that it was incumbent on part of the respondents to have complied with the order/judgment dated 31.05.2024 passed by this Court within the period granted by this Court and also in tune with the law laid down by the Apex Court and the policy framed by Government of India in this regard. The order which was required to be complied with within one month has not been complied with for more than a year and thus, respondents are in recurring contempt.

09. From a bare perusal of the record with particular reference to communication dated 27.08.2025, it is evident that the case of the petitioner has been forwarded to the Ministry of Defence, Department of Ex-servicemen Welfare. Presently, it is lying with the Commandant Army Hospital R & R, who is required to submit it to the Ministry of Defence, Department of Ex-servicemen Welfare. Accordingly, a prayer of one month has been made by learned counsel for the respondents for coming up with final compliance of order/judgment dated 31.05.2024 passed by this Court. In peculiar facts and circumstances of the case and also in light of law laid down by the Apex Court, this Court deems it proper to grant 15 days further time to the learned counsel

for the respondents to come up with final compliance of the order/judgment dated 31.05.2024 in its letter and spirit.

10. In the aforesaid backdrop, no fruitful purpose will be served to keep this contempt petition alive and in light of aforesaid directions passed by this Court, this Court deems it proper to close the proceedings in the instant contempt petition. It is made clear that in case aforesaid order/judgment dated 31.05.2024 is not complied with within the extended period of 15 days mentioned hereinabove, petitioner will be at liberty to revive the instant contempt petition and in that eventuality, this Court will be constrained to initiate coercive measures against the respondents.

11. *Disposed of*, accordingly.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU

17.09.2025

Mihul