

Serial No. 21
Regular Cause List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CPSW 331/2002 IN SWP 2130/1997

ZAIN-UL-ABIDIN RATHER

...Petitioner(s)

Through: Mr. M.A. Wani, Advocate
Mr. Z.A. Wani, Advocate

VERSUS

MR. M.A. BEDAR AND ORS.

...Respondent(s)

Through: Mr. Hakeem Aman Ali, Dy.AG

CORAM:

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.

ORDER

01.08.2025

1. The petitioner has filed this petition reporting non-compliance of order dated 14th March 2002 passed in IA No. 1025/2001 in SWP No. 2130/1997 which came to be disposed vide order dated 8th April 2009 whereby the respondents therein were directed to consider the case of the petitioner in terms of direction dated 20th May 1997 while keeping in view the fact that he was performing the duties of Headmaster right from 1985 till date. Thereafter, pursuant to the motion of the petitioner, the contempt petition was revived. The order of which the non-compliance has been reported reads as under:

“This application is disposed of directing that in case the petitioner is discharging the duties of Headmaster; the respondents will release the salary in favor of the petitioner till the petitioner works against the post.”

2. The respondents came up with the statement of facts time and again and in the last statement of facts dated 27th May 2025, it was stated by the respondents that in terms of consideration order No. JKSS-01 of 2023 dated 20th April 2023 the claim of the petitioner has been held to be not maintainable and consequently rejected. The said consideration order has been assailed by the petitioner in a separate writ petition which is pending. However, in Para 4 of the statement of facts it was stated that matter regarding the release of charge allowance as admissible under relevant rules has been included as an agenda item for the next meeting of the school executive committee likely to be held in next month.
3. In terms of the order dated 11th July 2025, the respondents were directed to pay the charge allowance to the petitioner if the same is payable to him under the rules.

4. Mr. Hakeem Aman Ali, learned counsel for the respondents has produced the order dated 25th July 2025 whereby the Hon'ble Division Bench of this Court has disposed of the appeal preferred by the petitioner by directing the respondents therein to examine the issue in the light of pay revisions that took place from the year 2002 onwards till the superannuation of the petitioner herein and accordingly revise the charge allowance payable to the petitioner herein. Further the respondents therein have been directed to do the needful within a period of two months from the date of service of copy of the judgment. Since the Hon'ble Division Bench has already issued the directions, as such, this Court does not deem it proper to continue with the present proceedings. Accordingly, the proceeding in the present contempt petition are closed however, the closer of the contempt proceedings shall not come in the way of the disposal of the writ petition already filed by the petitioner or any other proceedings filed by the petitioner.

5. Disposed of.

(Rajnish Oswal)
Judge

SRINAGAR
01.08.2025
Sabreena