

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(S) 474/2022 in
[SWP 749/2017]

ABDUL RASHID GANAI (DOOM)

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

Through: Mr. Abid Bashir, Advocate

Vs.

SHALEEN KABRA AND ORS. (PHE / JAL
SHAKTI DEPARTMENT)

...Respondent(s)

Through: Mr. Jahingeer A Dar, GA

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER
05.12.2025

Mr. Abid Bashir, advocate submits that he has been recently engaged as counsel for the petitioner.

Regarding the order passed by this Court on 27.04.2017, the petitioner has filed this petition alleging therein that respondents have failed to comply with the direction, therefore, has sought initiation of contempt proceedings against the respondents.

Compliance report regarding the same has been filed and in the compliance report, respondents have submitted that;

“... 2. That the present contempt petition has been filed on alleged non-compliance of order dated 27.04.2017 passed by this Hon'ble Court in the above titled writ petition, operative portion of order is reflected hereunder:

“....This writ petition is disposed of by giving liberty to the petitioner to make a comprehensive representation enclosing thereto copies of the Civil court orders before Respondent no. 2 and 3. Upon such representation, Respondent nos. 2 and 3 shall accord consideration to the claim of the petitioner within six weeks from the date of receipt of copy of aforesaid representation....”

3. It is respectfully submitted that the case of the petitioner was regularized as Helper w.e.f 01.04.1994 vide Govt. order No. 71-PW of 1995 dated 22.02.1995 and subsequently re-designated as Assistant Lineman as per Govt. Order No. 141-PW(Hyd) of 2006 dated 17.03.2006. Subsequently the petitioner was granted 1st Time bound Promotion w.e.f 01.04.1998 in the Pay Scale of 2610-3540.

4. the petitioner filed a Civil suit, which was decide on 24.10.2005 in ex parte with a direction to the respondents to promote the petitioner as Fitter in the Department, if eligible under Rules. In compliance to the direction, the petitioner was granted Functional Promotion as Khalasi in the grade of 2610-3050 w.e.f 01.10.2006 vide Order No. PHE/MCS/3444-51 dated 08.12.2006 on the basis of being a Member of Social Caste and compliance report stands submitted to the Hon'ble Court accordingly. However, the petitioner filed an execution petition for implementation of the decree dated 24.10.2005, and the Hon'ble court after observing that the decree stands satisfied in toto and accordingly disposed the same vide order dated 10.10.2011.

5. In view of the above facts and in compliance to direction passed by this Hon'ble Court, the claim of the petitioner was considered in due deference of the direction passed by this Hon'ble Court and it has been found that the claim of the petitioner being devoid of merit and accordingly rejected in terms of Order No. 12-E of 2023 dated 26.06.2023 issued by the Answering respondents.”

Having regard to the compliance report filed by the respondents no contempt is made out as such proceedings are dropped and contempt closed.

(VINOD CHATTERJI KOUL)
JUDGE

Srinagar
05.12.2025.
“Imtiyaz”