

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

WP(C) 2863/2023

1. Union Territory of Jammu & Kashmir
Through Commissioner/Secretary to
Govt. Revenue Department, Civil
Secretariat, Srinagar/Jammu;
2. Divisional Commissioner, Kashmir,
Srinagar;
3. Deputy Commissioner, Ganderbal;
4. Assistant Commissioner (R)
Ganderbal;
5. Tehsildar Ganderbal;
- ...Petitioner (s)

Through: Mr. Faheem Shah, GA with
Ms. Maha Majeed, Assisting Counsel
Vs.

Sameena Safdar
D/o Ghulam Safdar
R/o Alamgari Bazaar, Srinagar;

...Respondent(s)

Through: Mr. Qazi Ayaz, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

JUDGMENT

16.07.2025

Per Sanjeev Kumar-J (Oral):-

1. This petition under Article 226 of the Constitution of India, filed by the Union Territory of Jammu & Kashmir & Ors., is directed against the orders dated 6th February, 2023, and 4th September, 2023, passed by the Central Administrative Tribunal, Srinagar Bench [“the Tribunal”], in CP No. 93/2023 filed in TA No. 1853/2021. By the said orders the Tribunal has directed the petitioners herein to release

the salary of the respondent for the period from 15th October, 2012 to 19th February, 2019, and has directed further that the petitioner-Revenue Secretary to Union Territory of J&K, shall appear before the Tribunal on the next date.

2. Briefly stated, the facts leading to the filing of this petition are that the respondent, namely Sameena Safdar, was appointed as Junior Assistant by the Deputy Commissioner, Ganderbal, in the year 2007. While she was continuing in service, her salary was stopped in the month of July, 2012, on the ground that the petitioners had received a complaint against the respondent's illegal appointment.
3. Feeling aggrieved, the respondent approached the Court of Principal District Judge, Ganderbal, ["the trial Court"], which, by an interim order dated 15th December, 2012, directed the petitioners herein to release the salary of the respondent for the period the same had been withheld by the petitioners.
4. This interlocutory order of the trial court was challenged by the petitioners herein by way of an appeal filed before the learned Single Judge of this Court in CIMA No. 125/2017. The appeal was dismissed by the learned Single Judge vide order dated 07.11.2017. Thereafter, the respondent approached the trial court and filed an application under Order 39 Rule 2A of the CPC. Vide order dated 14th February, 2019, the trial court issued notice to the petitioners herein/alleged contemnors for filing their reply, as also for taking steps for obedience of the order dated 10th February, 2015.
5. Feeling aggrieved by the order dated 14th February, 2019, the petitioners herein filed a petition under Article 227 of the

Constitution of India, which too was dismissed by the learned Single Bench of this Court vide order dated 25.11.2019.

6. Before the contempt matter/disobedience matter could be taken cognizance by the trial court, the Jammu & Kashmir Re-organization Act, 2019, came to be promulgated and as a result whereof, the suit alongwith all connected applications, including the application under Order 39 Rule 2A CPC, came to be transferred to the Tribunal. The Tribunal considered the contempt petition and, having found that the interim order passed by the trial court had not been complied with, disposed of the contempt petition with a direction to the petitioners herein to release the legally earned salary by the respondent herein within a period of six weeks, giving liberty to the respondent herein to file a fresh contempt petition in case salary was not released. This was done by the Tribunal vide its order dated 06.02.2023.
7. As the salary was not released, the respondent herein approached the Tribunal again by filing a fresh contempt petition, which was registered as CP No. 93/2023. The order dated 4th September, 2023, impugned herein, was passed in CP No. 93/2023, whereby the petitioners herein were directed to appear before the Tribunal, probably to explain as to why the order, which has attained finality at the level of the High Court, had not been complied with. It is this order which has been called in question by the petitioners in the present proceedings, by invoking extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India.
8. Heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the impugned order passed by the Tribunal is perfectly legal and does not call for any

interference. The order passed by the trial Court on 10.02.2015 has been upheld by this Court vide order dated 07.11.2017 in CIMA No. 125/2017, and that being the clear position, there is no escape for the petitioners herein from implementing the order directing the release of salary in favour of the respondent.

9. On an earlier occasion, when the contempt petition was taken up for consideration by the Tribunal, the Tribunal, instead of initiating the contempt proceedings, granted an opportunity to the petitioners herein to release the salary in favour of the respondent, while granting liberty to the respondent to file a fresh contempt petition in case the same was not released.

10. The order dated 06.02.2023, by which the earlier contempt petition was disposed of, was not complied with by the petitioners herein, which compelled the respondent to file a fresh contempt petition i.e. CP no. 93/2023. The impugned order dated 4th September, 2023, is only an interlocutory order passed in contempt petition to ensure the orders passed by the trial court and learned Single Bench of this Court are complied with in letter and spirit. It needs be noticed that the interim order passed way back in the year 2015 is yet to be complied with, even after lapse of more than ten years. In these circumstances, the Tribunal was left with no option but to direct the personal presence of Secretary, Revenue to the Government of Union Territory, J&K, to explain as to why the orders of the trial court and the learned Single Judge have not been complied with so far, and as to why the withheld salary of the respondent has not been released.

11. For the foregoing reasons, we are not inclined to interfere with the impugned order and as a consequence thereof **dismiss** this petition as

being devoid of any merit. The Tribunal shall proceed ahead to ensure that the orders passed regarding the release of salary are complied with by the petitioners herein in letter and spirit. The Tribunal shall also ensure that the main matter is also taken up and disposed of at the earliest, so as to finally settle the controversy.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
16.07.2025
"ARIF

Whether the order is reportable? Yes/No

