

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

CCP(D) No.65/2024 and
CCP(D) No.66/2024

Mohammad Umer Mochi and others. ...Petitioner(s)/Appellants.

Through: Mr. Altaf Haqani, Sr. Advocate, with
Mr. Asif Wani, Advocate.

Vs.

Syed Abid Rasheed and another. Respondent(s)

Through: Mr. Waseem Gul, GA.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
11.09.2025

1. By this common order, we propose to decide two contempt petitions arising out of a common order and judgment dated July 26, 2024 passed in a batch of writ petitions.
2. On September 8, 2025, this Court had passed the following order:

“On August 1, 2025, this Court had passed the following order:

“The compliance report in terms of order dated 28.04.2025 has not been filed. Learned counsel appearing for the petitioner submits that the judgment passed by this Court has not been complied with. In view of the above, this Court is left with no option but to direct the personal presence of respondents 1 & 2, who are permitted to appear through Virtual Conference. However, it is provided that in case the judgment is complied with by or before the next date and the salaries of the petitioners are released before the next date of hearing, their personal appearance shall stand dispensed with”.

Concededly, the order and judgment dated July 26, 2024 has not been complied with to date.

That being so, in terms of the order referred to above, respondent No. 1 & 2 were required to be present in person. But none of them is present.

Mr. Waseem Gul, learned counsel for the respondents submits that respondent No. 02, vide communication dated March 8, 2025 has taken up the matter with respondent No. 01 but despite repeated reminders to the Administrative Department vide communications dated May 24, 2025 and September 1, 2025, the matter has not made much progress.

However, he submits that respondent No. 01 has forwarded the matter to the competent authority and necessary instructions/approval is awaited.

Ex-facie, the order and judgment dated July 26, 2024 was passed over a year ago and has attained finality between the parties.

Prima facie, we are of the view that the authorities have not pursued the matter in right earnest to ensure compliance. Faced with this, learned counsel for the respondents prays for a week's time to seek instructions from the competent authority and respond.

Adjourned to 11.09.2025.””

3. Today, at the outset, learned counsel for the respondents shared with us a copy of the communication dated September 10, 2025, vide which the Under Secretary to the Government, Health and Medical Education Department, communicated to the Director, Health Services, Kashmir, that the wages in favour of the petitioners for the actual work done may be released strictly in terms of the order and judgment dated July 26, 2024, passed by this Court, however, subject to the condition that each of the petitioner shall furnish an undertaking that in event their appointments are ever held to be illegal, they shall refund the entire amount of salary received along with interest at 6% per annum;

“In view of the directions of the Hon’ble High Court in the aforesaid writ petitions coupled with orders passed in the subject contempt petitions, you are advised that the wages in favour of the respondents for the actual work done may be released strictly in compliance to the Hon’ble High Court judgment dated 26.07.2024, subject to the condition that each of the respondents furnishes an undertaking to the effect that

in the event their appointments are ever held to be illegal, they shall refund the entire amount of salary received along with interest @6% per annum to the Department, in terms of the aforesaid judgment.”

Copy of the communication is retained and marked as “X”

4. As to this, learned Senior Counsel for the petitioner submits that in fact the undertaking as indicated in the communication referred to above had already been furnished to the respondent department. He submits that nothing substantive survives in the petition, the same be disposed of as having been rendered infructuous. However, for a considerable time has already elapsed, the authorities be directed to release the amount in favour of the petitioners within a stipulated time.

5. To this, learned counsel for the respondents submits that the necessary amount shall be released to the petitioners within a week from today, failing which they would be entitled to move a miscellaneous application in these petitions itself for restoration and necessary orders.

6. The contempt petitions are, accordingly, closed in the aforesaid terms.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Srinagar
11.09.2025
Abdul Qayoom, Secy.