

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

**CM No. 7988/2023 in
LPA No. 267/2023
CM No. 7989/2023**

Dated: 10th of July, 2025.

1. Union Territory of Jammu & Kashmir

Through Commissioner/ Secretary to Government, Health & Medical Education Department, Civil Secretariat, J&K, Srinagar/ Jammu.

2. Principal Secretary to Government, General Administration Department, Civil Secretariat, J&K, Srinagar/ Jammu.

3. Principal/ Dean, Government Medical College, Jammu.

... Petitioner(s)

Through: -

Mr Waseem Gul, Government Advocate.

V/s

Dr. Manoj Kumar Chalotra

Age: About 59 Years

S/o Shri Girdhari Lal

R/o C-4, Medical Enclave, Presently Medical Superintendent, Super Speciality Hospital, Government Medical College.

... Respondent(s)

Through: -

Ms Syed Ainain Qadiri, Advocate.

CORAM:

Hon'ble Mr Justice Sanjeev Kumar, Judge.

Hon'ble Mr Justice Sanjay Parihar, Judge.

(JUDGMENT)

Sanjeev Kumar-J:

CM No. 7988/2023:

01. The appeal filed under Clause 12 of the Letters Patent challenging an Order dated 14th of July, 2023 passed by the learned Single Judge of this Court ("the Writ Court") in WP (C) No. 1746/2023 is delayed

by 98 days and, therefore, the instant application for seeking condonation of delay.

02. We have gone through the application and considered the submissions of both the sides and we are of the considered opinion that the Appellants have sufficiently explained the delay of 98 days which prevented the Appellants from filing the appeal in time. The application is, thus, **allowed** and the delay in filing the appeal is condoned.

03. CM No. 7988/2023 shall stand **disposed** of on the above terms.

LPA No. 267/2023; CM No. 7989/2023:

04. Impugned in this appeal is an interim Order dated 14th of July, 2023 passed by the Writ Court in WP (C) No. 1746/2023, whereby the Writ Court, while issuing notice to the Respondents/ Petitioners herein, also provided by way of an interim Order that the service condition with regard to retirement of the Writ Petitioner/ Respondent herein shall be maintained in the Government Medical College, Jammu as envisaged under SRO 266 dated 30th of August, 2014.

05. Since, the impugned Order passed by the Writ Court was not stayed by this Court and, therefore, the Order has remained in operation during all these two years. It has been brought to our notice that even if the benefit of the aforesaid interim Order is availed by the Writ Petitioner/ Respondent herein, he would be retiring on 31st of July, 2025. In view of this development, the impugned Order dated 14th of July, 2023 has almost worked and is, therefore, not required to be interfered with at this stage. The Writ Petition WP (C) No. 1746/2023 also stands transferred to the Central Administrative Tribunal and, as such, all issues raised by the Appellants can be dealt with by the Tribunal.

06. For the foregoing reasons, this appeal is **dismissed**, along with the connected CM. The Tribunal shall proceed to consider and dispose of the Petition on merits expeditiously.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

SRINAGAR
July 10th, 2025
"TAHIR"

i. Whether the Judgment is approved for reporting? Yes/No.

