

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

Uploaded on 20.02.2026

CJ Court

Case : LPA No. 24/2026 in
(SWP No. 404/2016
CM No. 794 & 795/2026
Cav No. 2738/2025

Union of India and ors.

..... Appellant/Petitioner(s)

Through: Mr. Vishal Sharma, Sr. Advocate (DSGI) with
Mr. Eishaan Ddhichi, CGSC

vs

Anwar Ul Haq

..... Respondent(s)

Through: Mr. Navyug Sethi, Advocate

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

ORDER
19.02.2026

CM No. 794/2026

1. This is an application seeking condonation of delay of 43 days in filing the appeal against the judgment dated 17.07.2025 passed by the writ court.
2. Notice. Mr. Navyug Sethi, Advocate, who is on caveat, waives notice on behalf of respondent. The Caveat stands **discharged**. He submits that he has no objection in case delay in filing the appeal is condoned.
3. For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 43 days in filing the appeal is condoned.
4. Application stands disposed of.

5. Main Appeal is taken on board.

LPA No. 24/2026

1. The present intra-court appeal has been preferred against the judgment dated 17.07.2025 passed by the learned Writ Court in SWP No. 404/2016, whereby the order dated 26.03.2012, removing the respondent from service, came to be quashed and the appellants were directed to reinstate the respondent forthwith with all consequential benefits. Liberty, however, was granted in favour of the appellants to initiate departmental proceedings against the respondent, if permissible under law.
2. Mr. Vishal Sharma, learned DSGI appearing for the appellants submitted that the learned writ court has erred in allowing the writ petition solely on the ground of parity as the case of respondent was distinct vis-a-vis Mehrajuddin, as the latter was terminated from service solely on account of conviction, whereas the respondent herein was removed from service pursuant to a duly conducted departmental enquiry.
3. Faced with the aforesaid position, learned counsel for the respondent fairly submitted that the impugned judgment be set aside and the matter be remitted to the learned Writ Court for fresh consideration on merits. He further submitted that the respondent may be permitted to raise all available pleas before the learned Writ Court in accordance with law. However, considering the long pendency of the writ petition, it was requested that the learned Writ Court be requested to decide the matter expeditiously.
4. In view of the submissions made by learned counsel for the parties and without expressing any opinion on the merits of the case, the impugned judgment dated 17.07.2025 is set aside. The matter is remitted to the learned Writ Court for fresh adjudication in accordance with law. The parties shall be

at liberty to raise all contentions available to them before the learned Writ Court. Given that the writ petition pertains to the year 2016, the learned Writ Court is requested to consider and dispose of the same as expeditiously as possible.

5. The appeal stands **disposed of** accordingly.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

JAMMU:
19.02.2026
Karam Chand

Whether the judgment is speaking:

Whether the judgment is reportable:

Yes/No

Yes/No