

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: WP(C) No. 1525/2026

Mr. Mohammad Aijaz Asad and Ors.

....Petitioner/Appellant(s)

Through:- Mr. Raman Sharma, AAG with
Mr. Saliqa Sheikh, Advocate

V/s

Manesh Sohal

..... Respondent(s)

Through:- None

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER

30.05.2026

1. By way of the present writ petition filed under Article 226 of the Constitution of India, the petitioners seek to challenge the order dated 17.07.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu (for short, "the Tribunal") in Contempt Petition No. 134/2025, titled *Manesh Sohal v. Ms. Rachna Sharma & Ors.*, whereby the Tribunal granted four weeks' time, by way of a last opportunity, to the

contemnors/petitioners to file a compliance report, failing which it was directed that bailable warrants would be issued against the concerned officer on the next date of hearing.

2. Briefly stated, the facts of the case are that the Department of Rural Development and Panchayati Raj received a complaint from one Sh. Rattan Lal, a retired Government officer and resident of Kunjwani, Jammu, alleging that the respondent, Manesh Sohal, had secured a backdoor appointment in the Rural Development Department through fraudulent means and that he had neither been selected by the Services Selection Recruitment Board nor by any other competent recruiting agency. Pursuant thereto, an inquiry was conducted under Rule 33 of the Jammu and Kashmir Civil Services Rules, which culminated in a finding that the appointment of the respondent was invalid. Consequently, a final notice proposing imposition of penalty dated 02.11.2023 came to be issued to the respondent by the petitioners.

3. Aggrieved by the aforesaid notice, the respondent approached the Tribunal by filing O.A. No. 1448/2023, challenging the final notice dated 02.11.2023 and also seeking release of his salary withheld from September, 2023 onwards. On 06.09.2024, the Tribunal passed an interim order directing

the petitioners to release the due and admissible salary of the respondent within a period of two weeks.

4. The petitioners filed detailed objections before the Tribunal, specifically asserting that the respondent's appointment was a backdoor appointment obtained through fraudulent means and that he had failed to produce any valid recruitment records in support thereof. Subsequently, on 20.05.2025, the petitioners filed an application seeking recall/vacation of the interim order dated 06.09.2024. However, during the pendency of the Original Application, the respondent instituted Contempt Petition No. 134/2025 under Section 17 of the Administrative Tribunals Act, 1985 read with Rule 14 of the Central Administrative Tribunal (Contempt of Court) Rules, 1992 and Section 12 of the Contempt of Courts Act, 1971, seeking initiation of contempt proceedings against the petitioners on the allegation of wilful and deliberate non-compliance with the interim order dated 06.09.2024 passed in O.A. No. 1448/2023.

5. The petitioners are aggrieved of the order dated 17.07.2025 passed by the Tribunal in the aforesaid contempt petition, whereby coercive action in the form of issuance of bailable warrants has been contemplated in the event of non-filing of the compliance report.

6. Heard learned counsel for the petitioners and perused the material available on record.

7. The record reveals that O.A. No. 1448/2023, wherein the respondent has challenged the final notice dated 02.11.2023 and has also sought release of salary, is still pending adjudication before the Tribunal. The petitioners have not only disputed the respondent's entitlement to salary, but have also questioned the very legality of his appointment on the ground that the same was secured through fraudulent means. Thus, the foundational issues giving rise to the dispute are yet to attain finality.

8. The law is well settled that contempt jurisdiction is primarily intended to ensure compliance with orders of the Court and cannot be invoked for determination of substantive rights of the parties.

9. In the present case, since the issues relating to the validity of the respondent's appointment and his entitlement to salary are pending consideration before the Tribunal, it would be appropriate that the Tribunal first adjudicates the Original Application on merits. Continuation of contempt proceedings during the pendency of the Original Application may result in the contempt jurisdiction overshadowing the substantive proceedings themselves.

10. Accordingly, the impugned order dated 17.07.2025 is set aside. The Tribunal shall proceed with and endeavour to decide O.A. No. 1448/2023 expeditiously. Till the Original Application is finally decided, further proceedings in Contempt Petition No. 134/2025 shall remain stayed.

11. The instant petition is, accordingly, disposed of.

(Shahzad Azeem)
Judge

(Sindhu Sharma)
Judge

Jammu:
30.05.2026
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