

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

Pronounced on : 15.05.2026
Uploaded on : 18.05.2026

MCC No. 15/2018

Dalip Kumar Pandoh

.....Applicant

Through: Mr. Ajay Gupta, Advocate

Vs

**Mohd. Shaffi Zahid, Director Archives,
Archaeology and Museum, J&K Govt.
Old Secretariat, Jammu & Ors.**

.....Non-applicants/Respondents

Through:

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(15.05.2026)

- 01.** The petitioner had come to approach this Court with a writ petition **SWP No. 162/2007** bearing his service related grievance that despite being senior to private respondent No. 4-Bishan Dass Khajuria who was adjusted against the post of Assistant Director in Dogra Art Museum, Jammu, the petitioner is still serving as Head Assistant/Research Assistant which post being of lesser grade than that of the Superintendent despite being figuring at Sr. No. 4 as against respondent No. 4-Bishan Dass Khajuria's seniority position at Sr. No. 6 in the final Seniority List.

02. Through the medium of said writ petition, the petitioner desired this Court to restore him to the position ahead of the respondent No. 4-Bishan Dass Khajuria on the strength of his seniority claim.
03. Upon appearance in the writ petition, the writ respondents through their counsel had come forward to state that the case of the petitioner would be considered in accordance with the rules and in case, if he is found senior to the respondent No. 4-Bishan Dass Khajuria, then the petitioner would be released the due benefits.
04. On this stand reported by the learned counsel for the writ respondents, this Court by virtue of an order dated **12.02.2007** came forward with the following directions:-
- 
सत्यमेव जयते
- “In view of the submission made by the learned counsel for the petitioner and the stand taken by the learned Dy. AG appearing for respondent State, this petition is admitted and disposed of at this stage with a direction that petitioner shall move a representation before the respondent authorities who shall consider and decide the same in accordance with the rules by passing a speaking order within a period of two months from the date a copy of this order along with the**

copy of representation is made available to the respondent authorities by the State. In case, any adverse order is passed, the petitioner shall be at liberty to challenge the same.”

- 05.** Upon seeing that the needful compliance had not been done at the end of the writ respondents, the petitioner had come forward with a **contempt petition COA(S) No. 25/2008** which remained pending on the docket of this Court for next ten years before coming to get disposed of in terms of an order dated **23.03.2018**.
- 06.** The situation which led to the disposal of said contempt petition of the petitioner in terms of order dated **23.03.2018** is that, in the name of the compliance of the writ court's directions, the Directorate of Archives, Archaeology and Museums, J&K Government, came forward with an **order No. DAMA-600 of 2017 dated 27.12.2017** in terms whereof purported compliance of consideration of the petitioner's representation came to be accorded by rejecting the petitioner's claim in terms of his representation.
- 07.** Thus, it was after ten years that the compliance of the writ court's directions had come to take place which did

not convince this Court in the course of contempt proceedings and that is the reason that in terms of an order dated **09.02.2018**, this Court came up with the observations that the compliance order does not bear any reference worth name to the rules on the basis whereof, the petitioner was held disentitled for the claim of promotion and in fact, the consideration order has been passed by assigning the responsibility of consideration to the Assistant Director to pass a speaking order.

- 08.** Be that as it may, this Court closed the contempt petition **CPSW No. 25/2008** stating that nothing survives in the instant contempt petition. The order dated **23.03.2018** was passed in absence of the learned counsel for the petitioner and that made the petitioner to come up with an application for recalling of order dated **23.03.2018** when petitioner filed **MCC No. 15/2018 on 04.05.2018**.
- 09.** It is this application which has awaited more than seven years to get its disposal.
- 10.** This Court has made it clear to the learned counsel for the applicant/petitioner that pursuing the present application by the petitioner would be sheer wastage of time adding further years to the litigation which would

lead to no productive end and it would be thus, well advised to the petitioner that if he has any grievance, legal or factual against the consideration order of the year 2017, then let said order be questioned in an appropriate legal proceedings before the competent forum.

11. Mr. Ajay Gupta, learned counsel for the petitioner very fairly states that if the petitioner be saved from the prejudice of pendency of the contempt petition **CPSW No. 25/2018**, then the petitioner can avail next legal course of action to assail the consideration **order No. DAMA-600 of 2017 dated 27.12.2017**.
12. This Court has no issue to accommodate the petitioner on this aspect.
13. Accordingly, application **MCC No. 15/2018** is hereby **dismissed**. This Court makes it clear that the entire period from **27.12.2017** till date not to be read against the petitioner in the event of the petitioner coming forward with an appropriate legal proceeding to question the consideration **order No. DAMA-600 of 2017 dated 27.12.2017**.

14. The petitioner, however, is supposed to act for his next legal course of action within a period of **three months next** by or before **15.08.2026**.
15. This order be read as part and parcel of the order dated **23.03.2018**.
16. The application is accordingly, ***dismissed***.

(RAHUL BHARTI)
JUDGE

JAMMU
15.05.2026
SUNIL

