

Regular List
Serial No. 08

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

SWP No. 693/2017

Date of pronouncement : 29.04.2026
Uploaded on : 07.05.2026

Mohinder Singh

.....Petitioner

Through:- Mr. Z. A. Mughal, Advocate.

J&K State Road Transport
Corporation

V/s



.....Respondents

Through:- Ms. Saniya Heer, Advocate vice
Mr. Vinayak Phull, Advocate for R-1 & 2.

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

01. Heard Mr. Z. A. Mughal, learned counsel for the petitioner.

02. The petitioner joined the employment of the Jammu & Kashmir State Road Transport Corporation (hereinafter referred to as, "**the JKSTRC**") as a Cleaner way back in **May, 1981** to which post he came to be regularized

and on that basis even said to have been promoted as Junior Assistant in **November, 1985**.

03. Admittedly, the petitioner at the time of his entering into employment of JKSTRTC was not a matriculate.

04. The petitioner came to approach this Court with the writ petition-**SWP No. 855/2012** on the purported cause of action that as a Junior Assistant he was not being considered for promotion to the post of Senior Assistant on account of qualification deficiency, whereas similarly situated Junior Assistants with qualification deficit had been promoted as Senior Assistant/s in JKSTRTC. In this writ petition-**SWP No. 855/2012**, an interim direction came to be passed unto the writ-respondents to accord consideration to the case of the petitioner on the analogy of similarly placed persons.

05. During the pendency of said writ petition-**SWP No. 855/2012**, the petitioner is said to have come to be promoted as Senior Assistant by virtue of an order No. **118-JKSTRTC of 2015** dated **03.01.2015**.

06. The petitioner reckoned that his promotion as Senior Assistant in JKSTRTC ought to have accrued to him

w.e.f. **04.09.2010**, the date from which his juniors had come to be promoted as such.

07. With this grievance of being accorded a delayed promotion as Senior Assistant, the petitioner came forward with writ petition-**SWP No. 711/2015**, thereby seeking the benefit of retrospective promotion w.e.f. **04.09.2010** and in that regard the petitioner had named two private respondents, namely, Ram Singh and Mohammad Rafiq Zargar.

08. By reference to the direction given by this Court in petitioner's writ petition-**SWP No. 711/2015** in terms of order dated **09.03.2015**, the General Manager (Adm.), JKSTRC came to pass an order No. **11-GMA of 2015** dated **04.06.2015** stating therein that **Ram Singh** and **Mohammad Rafiq Zargar**, by reference to whom the petitioner was drawing claim of party treatment, were matriculates, whereas the petitioner was an under matric and, thus, not eligible for the post of Senior Assistant as per the qualification prescribed in the Recruitment Rules of 1986 applicable to JKSTRC.

09. The petitioner is said to have remained uninformed of order No. **11-GMA of 2015** dated **04.06.2015**

only to come to know about it in the month of **November, 2016**, when he came to be provided with order No. **JKSRTC/EC-III/1114** dated **27.09.2016** passed by the In-Charge (Administration), JKSTRC, Srinagar.

10. It is by purported reference to order No. **JKSRTC/EC-III/1114** dated **27.09.2016** that the petitioner came forward with a cause of action in the present writ petition filed on **20.03.2017**.

11. It is in the present writ petition, the petitioner is seeking a writ petition of *Certiorari* and *Mandamus* by calling in question the order No. **11-GMA of 2015** dated **04.06.2015** and order No. **JKSRTC/EC-III/1114** dated **27.09.2016**.

12. Interestingly, in the present writ petition, **Ram Singh** and **Mohammad Rafiq Zargar** are being repeated as respondents, whereas in impugned order No. **JKSRTC/EC-III/1114** dated **27.09.2016** passed by purported reference to direction in writ petition-**SWP No. 1131/2015**, the private respondents by reference to whom the petitioner was seeking purported parity were **Abdul Hamid** and **Hafiz Ahmad**, both matric-in-qualification and Junior Assistants

w.e.f. **December, 1983** as against petitioner's engagement as Junior Assistant in **November, 1985**.

13. The petitioner was least aware of the fact that his first writ petition-**SWP No. 855/2012** was pending alongside his present writ petition and it is only today when this Court has referred to this High Court's Kiosk that it has come to known that in terms of an order dated **26.11.2024**, said writ petition-**SWP No. 855/2012** has been *dismissed* for non-prosecution.

14. This Court is convinced that the petitioner has not approached this Court with clean hands and for that the reasons are obvious. The petitioner has not chosen to *annex* the copy of writ petition-**SWP No. 1131/2015** by reference to which the impugned order No. **JKSRTC/EC-III/1114** dated **27.09.2016** has come into being. The petitioner has not *annexed* copy of writ petition-**SWP No. 855/2012** which came to suffer *dismissal* for non-prosecution in terms of order dated **26.11.2024**. Petitioner has also not *annexed* order of the writ petition-**SWP No. 711/2015**.

15. All the writ petitions above referred are sequel to the present petition and, therefore, it ought to have occurred to the petitioner that he was supposed to place on record the

said three writ petitions as *annexures* for enabling this Court to have an overview of the situation as to whether the petitioner is indulging in a case of old wine in new bottle or not or was actually coming up with a fresh cause of action to come up with fourth writ petition in succession bearing the same grievance of being ignored in terms of his promotion vis-à-vis his juniors.

16. In the light of the aforesaid lack of *bona fide* on the part of the petitioner, this Court is not meant to be engaged by a litigant for the sake of leisure litigation and earn the premium out of that venture.

17. Accordingly, the present writ petition is ***dismissed*** along with connected application.

(RAHUL BHARTI)
JUDGE

JAMMU
29.04.2026

Bunty

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No