Sr. No. 03

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 3013/2026

Date of pronouncement: 30.09.2026
Date of uploading:

Satpaul and Others .....Applicant(s)/Appellant(s)

Through :- Mr. Mohinder Singh, Advocate

v/s

Ashwani Kumar Commissioner Secretary Power Development Department PDD and Another .....Respondent(s)

Through :-

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE YASH PAUL BOURNEY, JUDGE

ORDER
30.09.2026

1. Impugned in this petition, filed under Article 226 of the Constitution of India, is an order dated 04.06.2026 passed by the Central Administrative Tribunal, Jammu Bench ["**the Tribunal**"] in C.P. No. 350/2026, whereby the Tribunal has closed the contempt petition filed by the petitioner alleging willful disobedience and non-compliance of judgment dated 18.11.2025 passed by the Tribunal in OA No. 1801/2025 titled "*Satpaul and Others vs UT of J&K and Others*".

2. The impugned judgment is called in question on the ground that the Tribunal has failed to appreciate that the consideration order, which was placed on record by the respondents to show compliance of judgment dated 18.11.2025, was more in breach than in compliance. The Tribunal has erroneously closed the contempt proceedings with liberty to the petitioners to assail the consideration order.

3. Briefly stated, the facts leading to the filing of this writ petition are that the petitioners, 23 in number, filed OA No. 1801/2025 before the Tribunal seeking *inter alia* a direction to the respondents to count their entire service rendered by them in the Rural Electricity Cooperative Society (RECS) Limited, Vijaypur and to fix and refix their pension after their absorption in the Power Development Department. They sought support from the judgment dated 31.12.2018 passed in SWP No. 141/2014, under similar set of circumstances. It seems that the writ petition was disposed of on the motion hearing stage without putting the respondents to formal notice and inviting their objections. This was done by the Tribunal on the request made by learned counsel for the petitioners that this petition could be disposed of at the motion hearing stage without entering into the merits with a direction to the respondents to consider their cases in the light of judgment passed in SWP No. 141/2014.

4. The Tribunal acceded to the request made by learned counsel for the petitioners and disposed of the petition at the motion hearing stage with a direction to consider the case of the petitioners in the light of judgment passed in SWP No. 141/2014. It was further provided that if the respondents find the petitioners similarly situated with the writ petitioners of SWP No. 141/2014, similar benefits would be granted.

5. When this judgment was not complied with, the petitioners made a representation to the respondents, who considered the case of the petitioners and vide order dated 25.02.2026, passed by the Chief Engineer (Distribution), Jammu Power Distribution Corporation Ltd.

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(JPDCL), Canal Road, Jammu, the case of the petitioners was rejected.

6. Feeling aggrieved, the petitioners instead of formally calling in question the consideration order dated 25.02.2026 (supra) filed CP No. 350/2026 for initiating contempt proceedings against the respondents for willful disobedience and non-compliance of the judgment passed by the Tribunal.

7. The matter was considered by the Tribunal and upon consideration, the Tribunal came to the conclusion that the consideration order dated 25.02.2026 was in complete compliance of the judgment and the only remedy with the petitioners was to throw challenge to the consideration order before the appropriate forum in accordance with law. This is how the Tribunal has, vide order impugned dismissed the contempt petition.

8. Having heard learned counsel for the petitioners and perused the material available on record, we are of the considered opinion that having regard to the nature of directions issued by the Tribunal, in terms of order dated 18.11.2025, the respondents were obliged to consider the grievance of the petitioners in the light of judgment rendered by this Court in SWP No. 141/2014 and determine as to whether the petitioners were similarly situated with the petitioners of SWP No. 141/2014. The respondents, as is evident from the consideration order dated 25.02.2026, have considered this aspect and have ultimately rejected the claim of the petitioners.

9. Whether or not the order of consideration is correct on facts and law cannot be made subject matter of adjudication in the contempt

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proceedings. The Tribunal has, thus, rightly permitted the petitioners to avail the appropriate remedy and assail the order of consideration dated 25.02.2026.

10. It needs no emphasis that the judgment of which violation is alleged by the petitioners was actually not a judgment deciding any issues between the parties on merits, but was only by way of a command to the respondents to consider the grievance of the petitioners at their own level. This is exactly what they have done in terms of consideration order dated 25.02.2026.

11. For the foregoing reasons, we see no merit in this petition and the same is, accordingly, dismissed. We, however, make it clear that nothing said hereinabove shall prejudice any of the rights of the petitioners in any subsequent petition that will be filed by them for throwing challenge to the order of consideration dated 25.02.2026.

(Yash Paul Bourney)
Judge

(Sanjeev Kumar)
Judge

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