

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

CJ Court

Reserved on 11.02.2026

Pronounced on: 19.02.2026

Uploaded on: 19.02.2026

Case No. LPA No. 224/2025

Whether the operative part or full
judgment is pronounced: **Full**

1. UT of J&K through Commissioner/ Secretary, ...Appellant(s)/Petitioner(s)
Home Department, J&K Srinagar
2. Director General of Police, J&K, Srinagar
3. The Dy. Inspector General of Police, Kishtwar
Ramban Doda Range, Batote
4. The Senior Superintendent of Police, Ramban

Through: Ms. Monika Kohli, Sr. AAG

vs

Dilshada Begum W/o. Mohd. Ashraf R/o.
Alanbass, Tehsil PogalParistan (Ukhral),
D/o. District Ramban

Through: Mr. K. D. S. Kotwal, Adv.

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

JUDGMENT

PER OSWAL-J

CM No. 6261/2025

1. This is an application seeking condonation of delay of 106 days in filing the *intra* court appeal against judgment dated 13.03.2025 passed by the learned Writ Court in WP(C) No. 2046/2025, titled, "Dilshada Begum vs. State of J&K and others", whereby the aforesaid writ petition has been allowed with the directions to the applicants/appellants to

reinstate the petitioner as SPO, subject, however, to the condition that she will not be entitled to the monthly honorarium for the period she was disengaged.

2. Notice. Notice waived by Mr. K D S Kotwal, learned counsel representing respondent. 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 106 days in filing the appeal is condoned.
4. Application stands disposed of.
5. Main Appeal is taken on board.

LPA No. 224/2025

1. Heard learned counsel appearing for the parties.
2. The respondent was engaged as Special Police Officer (SPO) in District Ramban vide order No. 369 of 2023 dated 08.06.2013 on a consolidated honorarium of Rs. 3,000/- per month and was disengaged from service due to poor performance vide order No. 805/2013 dated 12.11.2013.
3. The respondent filed the writ petition bearing SWP No. 2046/2015 thereby challenging the action of the appellants in disengaging her by urging that without conducting any enquiry thereby affording due opportunity of hearing to her, she was disengaged. It was contended that being SPO, the respondent was entitled to same privileges and

protection as are enjoyed by an ordinary officer of the Police Force, in terms of Rule 19 of the Jammu and Kashmir Police Manual.

4. The appellants opposed the writ petition, asserting that the respondent was removed from the rolls of the Special Police Officers (SPOs) due to poor performance. They further maintained that, under the specific terms and conditions of her engagement, her services were terminable at any time without prior notice.
5. After hearing both the parties, the learned Writ Court disposed of the petition in terms of judgment dated 13.03.2025, directing the appellants to reinstate the respondent. This reinstatement was subject to the condition that the respondent would not be entitled to a monthly honorarium for the period of her disengagement. The learned writ court further granted the appellants liberty to conduct an inquiry against the respondent in accordance with the law, to be concluded within two months of receiving a copy of the order. Crucially, the respondent's continued reinstatement was made subject to the outcome of said inquiry.
6. The appellants have assailed the judgment rendered by the learned Writ Court on the ground that the learned Writ Court did not appreciate the controversy in its right perspective and the respondent was terminated only because of poor performance within the tenure of six months. It is further contended that the engagement of the respondent was exempted from procedural safeguards as applicable to a regular Government servant.

7. Heard learned counsel for the parties and perused the record.
8. It is an undisputed fact that the respondent was terminated without being afforded an opportunity to be heard. This action was taken on the grounds of poor performance during her tenure, which spanned less than six months. The order of disengagement is no doubt, stigmatic in nature.
9. Mr. K. D. S. Kotwal, learned counsel representing respondent has relied upon the judgment of this Court only in LPA No. 152/2025 dated 06.08.2025. The relevant paras of the judgment are extracted as under:

10. It is settled law that even where appointment is contractual and contractual employee is to be disengaged on account of some misconduct or adverse performance, he/she is required to be heard before disengaging him/her from services. In this context, it would be appropriate to take note of the judgment of the Hon'ble Supreme Court of India in case titled **U.P. State Road Transport Corporation and others Vs. Brijesh Kumar and another**, reported in **2024 INSC 638**. The para 19 is relevant, which is extracted here as under :-

“19. The services of the respondent have been determined solely on the ground of misconduct as alleged but without holding any regular inquiry or affording any opportunity of hearing to him. The termination order has been passed on the basis of some report which probably was not even supplied to the respondent. No show cause notice appears to have been issued to the respondent. Therefore, the order of termination of his services, even if on contractual basis, has been passed on account of alleged misconduct without following the Principles of Natural Justice. The termination order is apparently stigmatic in nature which could not have been passed without following the Principles of Natural Justice.” (Emphasis added)

11. After giving our thoughtful consideration and deep contemplation to the issues agitated in the intra court appeal, we arrive at an inescapable conclusion that the judgment passed by learned Single Judge, being reasoned one, deserves no interference from us, as the same cannot be found fault with, while viewing from any angle. The learned Single Judge, in our

view, has rightly put the controversy to quietus. The judgment of learned Single Judge is, thus, upheld.

10. The judgment cited above is squarely applicable to the present case. Upon a thorough examination of the Writ Court’s decision, we find no reason to depart from the view taken by the learned Single Judge. Accordingly, the instant appeal is **dismissed** being devoid of merit.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
19.02.2026
Rakesh PS

