

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

CPSW No. 312/2014

**Karan Kumar, age 40 years S/o Sh. Sunder Dass,
R/o Jakhbar, Tehsil and District Kathua**

.....Petitioner(s)

Through: Mr. Ankur Sharma, Advocate
Mr. Manik Shamson, Advocate

- 1. Khursheed A Ganai, Commissioner/Secretary to Govt., Industries & Commerce Department, Civil Secretariat, Srinagar. Respondent(s)**
- 2. Gulzar Ahmed Qureshi, Director Industries & Commerce Department, Jammu**
- 3. Amarjeet Singh, General Manager, District Industries Centre, Kathua.**

Through: Mr. Dewakar Sharma, Dy AG

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

**JUDGMENT(ORAL)
(18.08.2026)**

- 1.** The instant contempt petition arises out of an order/judgment dated 03.10.2001 passed by the learned Writ Court in SWP No. 2373/2001, by virtue of which the petition filed by the petitioner along with all clubbed petitions came to be disposed of in the following manner:

“In view of the above, these petitions are disposed of with a direction to the respondent-authorities to consider the claim of the petitioners in the light of the observations made in the Two Division Bench judgments referred to above. The issue be considered not only in the light of the provisions contained in SRO 64/94 but also by taking note of the provisions of Industrial Disputes Act. The living wage as visualized by the scheme of constitution and as noticed in Abdul Rehman Bahroo's case (supra) be also taken note of. Let a decision in this regard be taken and conveyed to the petitioners within a period of four months from the date a copy of this order is made available to the respondents by the petitioners. Till then, the services of the

petitioners be not dispensed with. In case, any adverse order is passed, that be kept in abeyance for a period of six weeks.
Disposed of as such, along with connected CMPs”.

2. Since the aforesaid judgment/order was not complied with, the instant contempt petition came to be preferred, in which notice was issued vide order dated 22.09.2014. The record further reveals that, from time to time, the respondents have filed various statements of facts indicating the steps taken by them towards compliance with the judgment/order in question.
3. Mr. Dewakar Sharma, learned Dy AG has drawn the attention of the Court to the status report filed on behalf of respondents dated 16.12.2019, a perusal whereof reveals that the Finance Department after according due consideration through its empanelled committee constituted has cleared the case of the petitioner along with other similarly situated persons of the department, for regularization of the petitioner in terms of SRO 520 of 2017 dated 21.12.2017. Pursuant thereto, Order No.113-IND of 2019 dated 28.05.2019 came to be issued, whereby the petitioner was regularized, and the said regularization has also been given effect to by respondent No.1 i.e Principal Secretary to Government, Industries & Commerce Department.
4. The learned counsel for the respondents further submits that, pursuant to the aforesaid Government Order, the petitioner submitted his joining report on 27.07.2019. It is, thus, contended that, the petitioner having been regularized in compliance with the judgment/order passed by the learned Writ Court and having thereafter submitted his joining report, the directions contained in the said judgment/order stand duly complied with.

Accordingly, learned counsel submits that the instant contempt petition has been rendered infructuous and deserves to be disposed of as such.

5. To the contrary, Mr. Ankur Sharma, learned counsel appearing on behalf of the petitioner submits that the compliance of the respondents is not in conformity with the aforesaid order/judgment and the same is required to be complied strictly in tune with the order/judgment passed by the learned Writ Court.
6. Heard learned counsel for the petitioner and also heard learned counsel for the respondents.
7. The order/judgment passed by the learned Writ court was to the extent of according consideration to the claim of the petitioner in the light of the observations made by the Hon'ble Division Bench in its judgment passed in LPASW No. 387/2002. In addition thereto, the respondents were also under legal obligation to consider the claim of the petitioner not only in terms of the provisions contained in SRO 64/1994 but also in terms of the applicable provisions of Industrial Disputes Act.
8. The petitioner, having accepted the aforesaid order issued by the respondents without any demur and having submitted his joining report pursuant thereto, cannot, in the instant contempt proceedings, be permitted to challenge the said compliance on the ground that the same is not in conformity with the order/judgment passed by the learned Writ Court. The petitioner, having voluntarily accepted the said order and thereafter having joined and continued to perform his duties pursuant thereto, such a ground, in the considered view of this Court, is not available to the petitioner in the

present contempt proceedings. Therefore, no fruitful purpose would be served in keeping the instant contempt petition alive, particularly when the order/judgment passed by the learned Writ Court stands complied with.

9. Accordingly, the proceedings in the instant contempt proceedings are closed. Rule, if any, shall stand discharged. However, disposal of the contempt petition shall not come in the way of the petitioner to agitate the cause afresh by challenging the aforesaid order by way of an appropriate proceeding, if so advised.
10. The contempt petition is *disposed of*.

JAMMU
18.08.2026
Vijay

