

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

CPSW No. 96/2015 in
SWP No. 1329/2002
CM Nos. 8485/2021, 1330/2025 & 1/2016

Bharat Singh Jamwal & Ors. Petitioner(s)

Through: Mr. Ajay Abrol, Advocate.

Vs

Arun Kumar Mehta, C. Secy. & Ors. Respondent(s)

Through: Mr. Harshwardhan Gupta, Advocate.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

(30.05.2026)

1. Writ petition-**SWP No 1798/1998** was preferred by three petitioners, namely, Bharat Singh Jamwal, Vijay Kumar Gupta and Dayal Singh who, at the relevant point of time, were in service of the Municipality, Jammu serving at different posts though having originally been entered the service from the lower rung of the establishment and at the time of filing of the writ petition above referred holding the post of Chief Khilafwarzi Officer attached with the pay scale of Rs. 2200-3800 (pre-revised).

2. The petitioners had reckoned that they were entitled to be upgraded to a higher pay scale of Rs. 3000-4500 (pre-revised), Rs. 10000-15200 (revised). The petitioners were banking upon recommendations made in their favour by the Administrator, Jammu Municipality on **27.01.1994**.

3. Before coming up with the writ petition, the petitioners had come to be adjusted in the pay scale of Rs. 2200-3800 by the

intervention of the Government which took place on **30.11.1995** and **27.12.1995** but that was not to the satisfaction of the petitioners as they reckoned that they were entitled to be adjusted to the pay scale of Rs. 3000-4500.

4. Thus, from the point of view of stagnation, the consideration of the matter took place when the writ court, by virtue of a judgment dated **06.07.2001**, disposed of the writ petition without adjudication on merits but urging the writ respondents to examine the limited prayer of the petitioners made in para-11 of the writ petition and to make efforts to remove the stagnation by providing some promotional avenues on higher grades.

5. Learned writ court cited the judgment of the Division Bench in **LPA No. 110/1998** in case titled **“Administrator, Jammu Municipality Vs. Jagdish Chander & Ors”**. The judgment was cited more for the reference sake of the writ respondents without bearing any mandamus unto the writ respondents to apply the said Division Bench judgment on all fours.

6. The requisite consideration to be given as directed in the judgment dated **06.07.2001** from the end of the respondents was to be within three months from the date of delivery of the copy of the judgment dated **06.07.2001**.

7. As the compliance of the direction given in the judgment dated **06.07.2001** was not taking place, the petitioners came

forward with a contempt petition **CPSW No. 96/2015** filed on **20.03.2015**.

8. In the contempt petition, the petitioners made prayer to punish the contemnors for non compliance of the writ court directions given in the judgment dated **06.07.2001** in **SWP No. 1329/2002**.

9. By virtue of Government order No. 240-HUD of 2001 dated 23.10.2001, the case was considered to be rejected which led the petitioner to 2nd round of litigation with a writ petition **SWP No. 1329/2002** filed challenging the final consideration order No. **240-HUD of 2001** dated **23.10.2001**.

10. Said writ petition came to be disposed of by the learned writ court by virtue of its order dated **27.09.2013** holding that the Government order No. **240-HUD of 2001** dated **23.10.2001** is not in accordance with the mandate of the writ court direction as given in judgment dated **06.07.2001** in **SWP No. 1798/1998**.

11. The writ respondents of **SWP No. 1329/2002** were directed to accord fresh consideration to the claim of the petitioners in light of the writ court judgment dated **06.07.2001** in **SWP No. 1798/1998**.

12. This contempt petition has remained on the docket of this Court for the last more than 10 years in running and has entered now 16 years taking petitioners nowhere except adding years to

their life bringing them to the verge of senior citizen beyond 80 years of their respective age.

13. During the pendency of the contempt petition, the original contemnors have demitted their office with new ones coming in getting impleaded and also demitting their office and this circus has been going on taking the contempt petition to nowhere except that order dated No. **16 of 2022** dated **30.05.2022** came to be passed this time by the Jammu Municipality Corporation taking a call that upon examination of individual case of all three petitioners in detail, the petitioners have been found to have taken benefits of the grades/promotions/up-gradations/re-designation and also having availed the release of two advanced increments at different occasions have no claim worth merit and, therefore, their claim is rejected.

14. It is by reference to this order that the contempt petition of 2015 is being stretched as not amounting to the letter and spirit compliance of the writ court judgment dated **06.07.2001** in **SWP No. 1798/1998**.

15. Even if the petitioners are to be heard to have some substances in their plea by exploit of the judgment dated **27.09.2013** in **SWP No. 1329/2002** still it is not in the contempt petition that this Court can undertake an exercise to decode and decipher the legality and validity of a long drawn consideration

order dated **30.05.2022** bearing No. **16 of 2022** passed by the Jammu Municipal Corporation which is in essence successor to Jammu Municipality.

16. The best legal course of action available at the end of the petitioners, if they are still interested to pursue their cause, would be to come up with the fresh writ petition assailing the JMC order No. **16 of 2022** dated **30.05.2022** inside out which would then enable this Court to undertake an adjudication on merits as to whether the petitioners are to be held entitled to the pay scales for which they intend this Court to come in the contempt jurisdiction and accord them by reference to judgment dated **06.07.2001** in **SWP No. 1798/1998**.

17. This Court is under no iota of doubt that the original judgment dated **06.07.2001** in **SWP No. 1798/1998** at no point of time carried any such mandamus in black and white to admit the petitioners to a particular pay scale or in-situ benefits and effects and, therefore, the said situation is obtaining even as on date and the petitioners cannot be heard to insist upon this Court to exercise its contempt jurisdiction to issue a writ to the writ respondents/contemnors to grant particular pay scale or in-situ effect in favour of the petitioners.

18. In light of the aforesaid, this Court holds that the present contempt petition has been rendered infructuous leaving free for the

petitioners to resort to an appropriate course of remedy including a writ petition for assailing the JMC Order No. **16/2022** dated **30.05.2022** for which the time lost to the petitioners shall not be counted against them, in case, they come forward with a fresh writ petition within a period of three months from the date of passing of this order.

19. Disposal of this contempt petition in the aforesaid manner shall not be prejudicing the cause of the petitioners as well as that of the respondents of the Jammu Municipal Corporation in any manner whatsoever as this Court has expressed no observations with respect to the merits of the claims and disclaimer of the parties to the matter.

20. Disposed of.



सत्यमेव जयते

(RAHUL BHARTI)
JUDGE

JAMMU
30.05.2026

Shivalee

Whether the judgment is speaking: Yes/No
Whether the judgment is reportable: Yes/No