

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CCP (S) No. 770/2019 in
WP(C) No. 3691/2019

Sakinder Lal and others

.... Petitioner/Appellant(s)

Through:- Mr. Keshav Verma, Advocate

V/s

Dr. Syed Abid Rasheed
Shah and others

.....Respondent(s)

Through:- Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Advocate

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

ORDER
18.08.2026

1. The instant contempt petition arises out of an order/judgment dated 05.10.2019 passed by learned writ Court in WP(C) No. 3691/2019, whereby the writ petition was disposed of in the following manner.

'Accordingly, writ petition is disposed of with a direction to the respondents to consider the claim of the petitioners for their regularization as projected in the writ petition and in terms of judgments titled "Ashok Kumar Vs State of J&K and others" reported in 2003 (Supp.) JKJ 93 and "State of J&K and others Vs Mushtaq Ahmed Sohail and others reported in 2012(4) JKJ 1051 and having regard to Govt. Order No. 1285-GAD of 2001 dated 06.11.2001, provided the petitioners are similarly situated and fulfill the eligibility criteria as also the aforesaid judgments and Govt. Order are applicable to their cases, of course, under rules, within a period of two months from the date of receipt of copy of this order'.

2. The statement of facts stand filed on behalf of the respondents, in which the respondents have taken a specific stand that the case of the petitioners was re-examined and it was found that the petitioners cannot be granted the benefit of the retrospective regularization and

therefore a detailed speaking order dated 18.05.2021, has also been passed which has been placed on record as Annexure-I with the statement of facts.

3. By virtue of the aforesaid order, which has been placed on record along with the instant compliance report, it is apparent that the case of the petitioners was accorded due consideration strictly in tune with the order/judgment dated 05.10.2019 passed by the learned writ Court and after according due consideration, it was found that the petitioners cannot be granted the benefit of retrospective regularization as according to the respondents neither the judgment referred was applicable in their case nor the Government Order No. 1285-GAD of 2001 was enforced on the day when the aforesaid order came to be issued, which as per record have been superseded by virtue of Government Order No. 168-GAD of 2004 dated 09.02.2004.
4. In the aforesaid backdrop, the concerned Director, Health Services, while passing the aforesaid order dated 18.05.2021 after according consideration rejected the case of the petitioners which was found to be devoid of any merits.
5. Since, the order/judgment passed by the learned writ court was only to the extent of considering the claim of the petitioners in terms of the order/judgment passed in case titled "***Ashok Kumar vs. State of J&K and others***" and ***State of J&K and others vs. Mushtaq Ahmed Sohail and others***" and the respondents while filing the statement of facts/compliance report has taken a specific stand that the judgments referred were not applicable to the case of the petitioners and the

respondents after according due consideration has rejected the case of the petitioners by virtue of the detailed speaking order.

6. Therefore, this Court after perusing the aforesaid order of consideration and the stand taken by the respondents is of the considered view that the order/judgment dated 05.10.2019 passed by the learned writ Court stands complied with.
7. Therefore, proceedings in the instant contempt petition are closed.
8. Rule, if any, shall stand discharged.
9. However, dismissal of the instant contempt petition shall not come in the way of the petitioners to agitate their cause a fresh, challenging the aforesaid order of consideration by way of appropriate remedy if so advised.
10. Contempt is *disposed of*.



(WASIM SADIQ NARGAL)
JUDGE

Jammu
18.08.2026
Mahavir