

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(S) 239/2019 in[SWP 742/2016]

TARIQ AHMAD BHAT AND ORS

..... Petitioner(s)

Through: Mr. Zahid Hussain Dar, Adv.

V/s

TARIQ AHMAD BHAT AND ORS

..... Respondent(s)

Through: Mr. Faheem Nisar Shah, GA

Coram:

Hon'ble Mr. Justice Rajnesh Oswal, Judge

ORDER

28.09.2026

1. The petitioners have complained non-compliance of order dated 31.03.2018 whereby the writ petition preferred by the petitioners was disposed of. The operative portion of the order reads as under:

“On a perusal of the three Government Orders i.e, 40-HME of 2016 dated 22.01.2016, 03-HME of 2016 dated 04.01.2016 and 134-HME of 2016 dated 11.03.2016, it appears that Government had in principle granted sanction for extension of joining time in favour of the petitioners. The word ‘prospectively’ used in the aforementioned orders cannot be construed to mean with effect from the date of issuance of the order but has reference to the date of submission of the joining reports submitted by the petitioners and as reflected in orders impugned. This, I say for the reason that in the three orders impugned, there is no date specifically prescribed for submitting the joining reports. By necessary inference it means that sanction was granted for

extension of joining reports as had been submitted and reflected in the orders impugned. The petitioners would thus be entitled to claim all benefits with effect from the dates when they submitted their joining reports in the year 2015 and not earlier as has been prayed for in the writ petition. The prayer to that extent is accordingly rejected.

2. The respondents have filed compliance report dated 10.11.2023 stating therein that in compliance to the Government orders dated 22.01.2016, 04.01.2016 and 11.03.2016, the petitioners joined the Department in the year 2016 and along with their joining report, submitted affidavit duly attested by 1st Class Judicial Magistrate, Srinagar that they have been allowed to join as Medical Officer in the Directorate of Health Service, Kashmir. It is also stated that the claim of the petitioners as projected in the main writ petition for grant of all service benefits including seniority, pay fixation, salary from the date permission was granted to undergo PG Course in terms of order dated 31.03.2014 while treating the petitioners on deputation, was rejected in terms of order supra. However, it is stated that the typographical error has crept in the order where date of joining has been mentioned on 2015 instead of 2016.
3. The tone and tenor of the order dated 31.03.2018 clearly demonstrates that the petitioners were held entitled to claim benefits with effect from the date they submitted their joining reports. The respondents while filing statement of

facts/compliance report have placed on record the application submitted by the petitioners for joining and all these applications were either submitted in the month of January 2016 or March 2016.

4. In view of the above, this Court is of the considered view that there is no non-compliance by the respondents regarding the order which is subject matter of the present contempt petition. Accordingly, the proceedings against the respondents are dropped and the contempt petition is closed.

(Rajnish Oswal)
Judge

SRINAGAR

28.09.2026

Aasif