Sr. No. 32

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 3658/2025
Pronounced on: 24.12.2025
Uploaded on: 26.12.2025

Shaleen Kabra and ors. .....Appellant(s)/Petitioner(s)

Through: Mrs. Monika Kohli, Sr. AAG

Vs

Tofeeq Raiyaz ..... Respondent(s)

Through:

Coram: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

(ORDER)
24.12.2025

Shahzad Azeem-J

1. The petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India seeking quashment of order dated December 02, 2025 passed by the learned Central Administrative Tribunal Jammu Bench, Jammu (the Tribunal) in Contempt Petition, C.P No. 223/2025 titled, **Tofeeq Raiyaz Vs. Jal Shakti Department,** whereby bailable warrants came to be issued against the petitioners herein, (respondents/contemnors before the Tribunal), on finding persistent non-compliance of the order dated January 29, 2025 passed in OA No. 1671/2023 whereby respondents/contemnors

were directed to consider the claim of the respondent herein (applicant before the Tribunal) for compassionate appointment on the ground that deceased father of the applicant had worked as daily wager worker for 19 years before his death and was eligible for regularisation.

2. Succinctly stated, facts for the present are that the Late father of the respondent-Toufeeq Raiyaz was engaged as daily wager worker in the Public Health Engineering Department (PHE), who died on February 22, 2021, after rendering 19 years of service as such. Thereupon, the respondent-applicant stated to have approached the petitioners herein for his appointment on compassionate grounds, however, same did not find favour with the petitioners, resultantly, request for appointment on compassionate ground came to be rejected. Accordingly, respondent filed OA No. 1671/2023, titled, Toufeeq Raiyaz Vs. UT of J&K and ors, before the Tribunal and same was allowed vide order dated January 29, 2025, whereby petitioners were directed to consider the case of the respondent-applicant for compassionate appointment. This order was challenged by way of writ petition, but the writ petition, was dismissed by a co-ordinate Bench of this Court vide order dated September 26, 2025.

3. The petitioners when failed to comply with the order of the Tribunal, which was upheld by the High Court, the respondent-applicant has filed contempt petition before the Tribunal, however, despite the petitioners were granted opportunity to comply with the order subject matter of contempt petition, they neither complied with the order nor caused the appearance, therefore, the Tribunal passed impugned order dated December 02, 2025 whereby process came to be issued to secure the presence of contemnors.

4. The petitioners have assailed the order dated December 02, 2025 mainly on the ground that despite the Tribunal has been apprised that they are in process of filing Special Leave Petition before the Hon'ble Supreme Court, but process has been issued, particularly without ascertaining, as to whether or not there is any willful disobedience on the part of the petitioners, therefore, order impugned is bad in law.

5. Admittedly, the order non-compliance whereof led to the filing of contempt petition was upheld by the High Court and when contemnors failed to comply with the order passed in OA and also did not cause appearance, the impugned order came to be passed just to secure their presence, therefore, by virtue of

the impugned order, neither has anyone been punished, nor has any issue been finally adjudicated that gave the contemnors cause to approach this Court, notwithstanding the order sought to be implemented was upheld by the High Court.

6. In our opinion, mere apprisal to the Tribunal about the intention of the department to file SLP does not exempt the contemnors from filing the response or grant immunity to abstain from participating in the contempt proceedings before the Tribunal, rather such conduct per se speaks volumes about the conduct of the petitioners, who are rather excepted to honour the judgment and order passed after a long drawn judicial battle that too on the issue that has human angle and thus calls for its consideration with all empathy.

7. By virtue of the impugned order, process is issued just to secure the presence of contemnors so that non-compliance or delayed compliance can be explained, therefore, the Tribunal being in seisin of the matter, propriety demands that the petitioners should at the first instance approach and to take all the available legal and factual pleas before the Tribunal itself.

8. The sanctity of judicial orders is a foundational principle of the rule of law, thus, same must be obeyed promptly and

faithfully, unless same are upset or modified by the higher forums. It is noteworthy that challenging interim orders passed by the learned Tribunal without pleading exceptional circumstances would defeat the very object of creating the Tribunals by inviting premature judicial review and same would also contribute to docket congestion.

9. The Tribunal is in seisin of the matter and thus has ample power to modify/recall its orders, therefore, while preserving the well established rules of self-restraint governing the discretion of the High Court to interfere with the pending proceedings and upset the interim orders of the Tribunal, we deem it proper to dispose of the writ petition at the motion hearing stage with the liberty to the petitioners to approach the Tribunal and seek appropriate orders/relief as facts and circumstance may warrant and as permissible in law.

10. Disposed of on the above terms along with connected CM(s).

(SHAHZAD AZEEM)
JUDGE

(SINDHU SHARMA)
JUDGE

Jammu
24.12.2025
Nikhil

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