Sr. No.44

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CCP(S) No.214/2026 in
WP(C) No.1776/2020

Gopal Krishan …. Petitioner(s)

Through :- Mr. Abhirash Sharma, Advocate

V/s

Mandeep Kour and others ….Respondent(s)

Through :- Mr. Suneel Malhotra, GA for R-1.
Mr. Ravinder Gupta, AAG for R-2 to 4.

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

ORDER
02.11.2026

01. It has been brought to the notice of this Court by Mr. Ravinder Gupta, learned AAG, that the Hon'ble Division Bench, vide order passed in LPA No.153/2026, has disposed of the appeal preferred by the respondents in the following terms:-

> "For the foregoing reasons, we concur with the view taken by the Writ Court that the enquiry proceedings conducted in this case after receiving a reply to the charge-sheet are completely vitiated having been conducted in sheer violation of the principles of natural justice. While upholding the judgment of the Writ Court on this aspect, we dispose of this appeal by providing that the appellants may, if they so choose, can proceed to conduct the disciplinary proceedings, afresh, from the stage the reply to the charge-sheet was submitted by the respondent, by strictly complying with the principles of natural justice and the provisions of Rule 33 of the Rules of 1956 read with Article 311 of the Constitution of India. The inquiry may be conducted in the manner aforesaid against the respondent, notwithstanding the fact that the respondent has superannuated from service. The respondent shall be deemed to be in service for the purposes of conducting the inquiry afresh.
>
> Having regard to the fact that the allegations against the respondent pertain to the year 2019, it would be in the fitness of things to direct the appellants to conclude the inquiry, if continued in terms of the directions issued above, within a period of six months from today, failing which, the

> respondent shall be deemed to have been exonerated and his case for post-retiral benefit shall be processed accordingly."

02. A bare perusal of the order passed by the Hon'ble Division Bench makes it abundantly clear that the appellants were directed to conduct the enquiry afresh, in terms of directions passed by the Hon'ble Division Bench, within a period of six months from the date of the aforesaid order, i.e. 28.10.2026, failing which, the respondent i.e. the petitioner herein, shall be deemed to have been exonerated and his case for grant of post-retiral benefits shall be processed accordingly. Therefore, Mr. Ravinder Gupta, learned AAG, submits that the instant contempt petition deserves to be disposed of in view of the order passed by the Hon'ble Division Bench, whereby the appellants (respondents herein) have been granted a period of six months to conclude the enquiry, which period has not yet expired. Accordingly, it is submitted that the instant contempt petition is premature.

03. I am in agreement with the submissions advanced by Mr. Ravinder Gupta, learned AAG, and, therefore, the proceedings in the instant contempt petition *are closed*, as this Court is of the view that no case of contempt is made out at this stage. However, the closure of the instant contempt proceedings shall not come in the way of the petitioner in agitating his cause afresh in the event the order/judgment passed by the Hon'ble Division Bench is not complied with in its letter and spirit within the aforesaid period granted by the said Court.

04. The contempt proceedings in the instant matter are, accordingly, ***closed*** with liberty as prayed for.

(Wasim Sadiq Nargal)
Judge

Jammu:
02.11.2026
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SHAMMI KUMAR
2026.11.03 16:39
I attest to the accuracy and
integrity of this document