Sr. No. 44

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CCP(D) No.58/2022
CM No.1908/2026

Date of Pronouncement: 27.10.2026
Date of uploading 28 .10.2026

Deepak Kumar & Ors. …..Appellant(s)/Petitioner(s)

Through: Mr. Rajiv Kumar Sharma, Advocate.

Vs

Ashok Kumar Parihar and Anr.

…Respondent(s)

Through: Mr. Sumeet Bhatia, GA.

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER
27.10.2026

CM No.1908/2026

1. This is an application seeking permission to substitute contemnor No.1, namely Ashok Kumar Parihar by Ms. Shabnam Kamili. Learned counsel for the petitioners submits that during the pendency of this petition, respondent No.1 has been replaced by Ms. Shabnam Kamili, who, too, has failed to comply with the judgment passed by this Court.
2. The application, for the reasons stated hereinabove, is allowed and Ms. Shabnam Kamili, Commissioner/Secretary to Government, ARI & Training Department J&K Government, Civil Secretariat, Jammu/Srinagar is substituted in place of arrayed incumbent Sh. Ashok Kumar Parihar.

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3. Mr. Sumeet Bhatia, learned GA waives notice on behalf of the substituted respondent.

4. This is a petition for initiating contempt proceeding against the respondent for willful disobedience and non-compliance of judgment dated 12.05.2022 passed by this Court in LPA No.283/2019 and two other clubbed matters, i.e. LPA No.106/2018 and LPA No.110/2018 titled **"Suresh Kumar Vs. State of J&K & Ors.",** whereby, this Court, while allowing the intra Court appeals, set aside the judgment of learned Single Judge as also the Government Order No.11-ARI of 2015 dated 12.10.2015 and Advertisement Notification No.01 of 2015 dated 20.10.2015.

5. From a reading of the judgment, it clearly transpires that the designation of posts of Junior/Senior Inker Feeder was sought to be changed by the respondent by issuing an executive order, i.e. Government Order dated 12.10.2015, which was assailed by the petitioner on the ground that Statutory Rules could not have been amended by way of an executive order/instructions. The plea was rejected by the Writ Court. However, on appeal, this Court allowed the plea and set aside the Government Order dated 12.10.2015 whereby the designation of Junior/Senior Inker Feeder had been changed into Orderly/Jamadar. Consequently, the Advertisement Notification issued for filling up of posts of Orderly/Jamadar so re-designated was only quashed, It is not the case of the petitioners set up in this contempt petition that the respondents have proceeded with the selection process notified vide Advertisement Notification dated 20.10.2015 or that they have changed the designation of the posts of Junior/Senior Inker Feeder without adopting due process of law rather it is the case of the respondents that they have amended the J&K Press (Subordinate) Service Recruitment Rules, 1980 by adopting the due procedure and, therefore, have not violated any direction issued by this Court.

6. Learned counsel appearing for the petitioners placed reliance on the order passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No(s). 3113-3115/2023 titled "**UT of J&K and Others vs. Suresh Kumar and Others**, decided on 03.02.2026 to submit that the statement of the Government was taken on record, to the extent that it had amended the Rules by issuing GO No. 50-JK (ARI & Trainings) of 2024 dated 30.12.2024 and, that, for future purposes, Government would be entitled to take such measures as may be admissible under the new dispensation.

7. Learned counsel for the petitioners would want us to read into the order of the Hon'ble Supreme Court a direction to the respondents not to re-designate the posts of Junior/Senior Inker Feeder and fill up the same as per the position existing in the unamended Rules.

8. Be that as it may, the order passed by the Hon'ble Supreme Court relied upon by the petitioners does not tantamount to any positive direction to the respondents of which the violation can be alleged by the petitioner before this Court. So far as the Division Bench judgment passed by this Court is concerned, the same has neither been disobeyed, nor violated in any manner.

9. For the foregoing reasons, we do not find it a fit case for proceeding in this contempt petition, as such, the proceedings in this contempt petition are closed.

(M A Chowdhary)
Judge

(Sanjeev Kumar)
Judge

Jammu
27.10.2026
Eva