Sr. No. 47

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

Case: LPA No. 166/2026 in
ROBSW No. 4/2024

Sanjeev Verma Commissioner Secretary GAD Department Jammu. ..... Appellant(s)

Through :- Mrs. Monika Kohli, Sr. AAG with
Mr. Tabraiz Haq, Advocate

v/s

ROBKAR .....Respondent(s)

Through :- Mr. Z.A. Shah, Sr. Advocate with
Mr. Javed Balwan, Advocate

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

ORDER
23.11.2026

01. The bone of contention raised by Mrs. Monika Kohli, learned Senior AAG is that although the respondent was granted the benefit of setting aside the order of compulsory retirement, the consequential benefits were also directed to be extended to him.

02. Learned counsel for the appellant submits that most of the consequential benefits including pay and allowances, have been extended to the respondent-Bhumesh Sharma. The only benefit remaining to be considered is promotion, which was earlier considered by the Establishment-cum-Selection Committee, which had declared the respondent unfit for promotion. She further submits that, in order to ensure comprehensive compliance with the judgment dated 07.02.2017 and without being influenced by the earlier proceedings or any adverse material which no longer survives in view of the said judgment, the

appellant is willing to place the case of the respondent afresh before the Establishment-cum-Selection Committee for consideration of his promotion.

03. Mr. Z.A. Shah, learned Senior counsel for the respondent submits that the impugned order passed in the contempt petition is in consonance with the proposition of law, as it merely reiterates the consequential benefits flowing from order/judgment dated 07.02.2017. He further submits that once the part of record, which formed the basis for the compulsory retirement of the respondent has been erased by the competent Court, and consequential benefits were directed to be granted, it was incumbent for the appellant to consider respondent's case for promotion without being influenced by the adversities which already stood erased.

04. In light of the limited controversy raised, the impugned order passed in contempt jurisdiction is modified to the extent that the consequential benefits arising out of order/judgment dated 07.02.2017 shall be extended to the respondent in accordance with law.

05. Since most of the consequential benefits including the pay and allowances, have already been extended and the only issue remaining for consideration is that of notional promotion, for this, the liberty is given to the authorities/appellant to place the case of the respondent afresh before the Establishment-cum-Selection Committee. The Committee shall consider the cases of the respondent afresh without being influenced by the earlier decision declaring him unfit for promotion, particularly in view of the fact that the adverse material forming the basis of such consideration no longer survives in view of the judgment dated 07.02.2017. It is further clarified that, upon such consideration, if any grievance or cause of action survives, it shall be open to the respondent to avail all appropriate remedies in accordance with law.

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06. Needless to observe, the Establishment-cum-Selection Committee shall undertake the exercise strictly in accordance with the applicable service rules and other governing provisions, without taking into consideration any adverse material or circumstance which no longer survives in view of the aforesaid judgment passed by the learned Single Judge which has been upheld by the Hon'ble Apex Court. The entire exercise shall be completed by the appellant within a period of three months from the date of receipt of a certified copy of this order.

07. Disposed of accordingly.

(WASIM SADIQ NARGAL)
JUDGE

(DR. PUSHPENDRA SINGH BHATI)
CHIEF JUSTICE

JAMMU:
23.11.2026
Shammi

HIGH COURT
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OF JAMMU & KASHMIR AND LADAKH