Serial No. 1
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CCP 12/2026 in [CCP 3/2023]
c/w i)CPSW 841/2017 CM(3929/2022)
ii)CCP(S) 459/2022 CM(6869/2023)
iii)CCP 3/2023 CM(2319/2025)

COURT ON ITS OWN MOTION

…Appellant(s)\Petitioner(s)

Through: -
Mr. B. A. Bashir, Sr. Advocate
Mr. Azeem Rasic Nabi, Advocate

V/s

BASHIR AHMAD THAKUR

… Respondent(s)

Through: -
Mr. Faheem Nisar Shah, GA

CORAM: HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE.

(ORDER)
03.11.2026

1. SWP **No.585/2016** preferred by seven petitioners came to be disposed of in terms of an order dated **3rd July 2017**.

2. In said writ petition, there were four writ respondents but seven petitioners had related themselves in the context of their respective employment with the writ respondent No.2 i.e., **J&K Cooperative Supply and Marketing Federation (JAKFED)** from whose service said seven petitioners are said to have superannuated without being paid with their respective retiral benefits.

3. The writ court, by virtue of its order dated **3rd July 2017**, thus, directed payment of all the retiral benefits due to seven petitioners which was meant to take place within a period of four months.

4. It is by reference to non-compliance of the direction so given in order dated **3rd July 2017** that the present contempt petition CPSW **No.841/20**17 came to be preferred by **five** out of **seven** writ petitioners.

5. During the pendency of writ petition SWP **No.585/2016,** the writ Court had passed a direction, in terms of order dated **23.03.2016,** in compliance where to General Manager of JAKFED, Jammu had come forward with an order **No.57/JAKFED** of **2016 14.06.2016** stating therein that the payment of retiral benefits of the petitioners would be possible only upon disposal of immovable property/ assets of JAKFED.

6. A writ petition SWP **No.887/2017** had followed the footsteps of writ petition SWP **No.585/2016**.

7. In SWP **No.887/2017** preferred by sole petitioner- Bashir Ahmad Thakur, there were three respondents one of them being **J&K Cooperative Supply and Marketing Federation (JAKFED)**.

8. This writ petition **SWP No.887/2017** came to be disposed of with a direction unto the respondents to settle the payment of retiral benefits of the sole petitioner- Bashir Ahmad Thakur by which time J&K Cooperative Supply and Marketing Federation (JAKFED) was being administered and managed by an official liquidator.

9. Bashir Ahmad Thakur, the sole petitioner in SWP **No.887/2017,** was the lead petitioner No.1 in SWP **No.585/2016**.

10. It is by reference to the aforesaid adjudications of the writ court in SWP **No.585/2016** and SWP **No.887/2017** that two contempt petitions **CPSW No.841/2017** in SWP **No.585/2016** and CCP(S) **No.459/2022** in SWP **No.887/2017** came to be preferred.

11. By reference to CPSW **No.841/2017,** this Court came to frame Rule in terms of an order dated **10.03.2023** whereby proceeding against the contemnor/respondents came to be commenced.

12. The Robkar so framed came to be diarized as **Robkar CCP No.3/2023**.

13. During the proceedings of **Robkar CCP No. 3/2023,** from the end of the contemnor/respondents attention was drawn to the fact that **Bashir Ahmad Thakur,** who was the lead writ petitioner in SWP **No. 585/2016,** had ventured to file SWP **No.887/2017** without disclosing therein the fact that there was already a writ petition decided related to the subject matter of the grievance of non-payment of retiral dues.

14. This Court was thus lead to frame **Robkar** against said petitioner Bashir Ahmad Thakur in terms of an order dated **05.08.2026** putting him on show cause as to why he be not punished for misrepresentation and concealment of the facts before this Court.

15. Out of the seven writ petitioners of SWP **No.585/2016,** the contempt petition filed by five petitioners excluded **Ghulam Rasool Wani** and **Syed Mukhtiar Ahmad Indrabi** who were figuring as the petitioner No.4 and 7 in the said writ petition.

16. The fact that said two persons did not join five petitioners in contempt petition in CPSW **No.841/2017** meant that either they had come to get redressal of their claim or did not intend to pursue their claim.

17. The filing of the contempt petition CPSW **No.841/2017** had come to take place through Advocate M. A. Thakur, whose vakalatnama dated **20th**

November 2017 bearing signatures of the five petitioners is there on record with lead signatory being **Bashir Ahmad Thakur**.

18. During the pendency of the Robkar proceedings, a compliance report dated **3rd October 2025** came to be filed on **09.10.2025** by Government Advocate Mr. Faheem Nisar Shah, in which the Liquidator of J&K Cooperative Supply and Marketing Federation (JAKFED), came forward stating that **contempt petitioner No.2 i.e., Abdul Rashid Shah** had come to earn his retiral benefits upon its release by the Liquidator meaning thereby the contempt petition survived only with respect to the petitioner Nos.3, 4 and 5.

19. With respect to the petitioner No.3, 4 and 5, some administrative issues have come to be cited from the end of the Liquidator JAKFED and those obviously are related prior to the institution of SWP **No.585/2016.** Therefore, till the clearance comes in that regard, the purported settlement of the claims of the said petitioner No.3 i.e., Mohammad Sultan Tantray, and the petitioner No.4- Syed Mukhtiar Ahmad Indrabi and the petitioner No.5- Mohammad Syed Shah is supposed to await.

20. Today, it is being reported to this Court that contempt petitioner No.1- **Bashir Ahmad Thakur has expired**.

21. With respect to the petitioners No.3, 4, and 5 in CPSW **No.841/2017,** the contempt proceedings shall come to close because of default in their appearance and accordingly, the Robkar borne out of the said case shall also come to close.

22. **Robkar CCP No.3/2023** originated from order dated **03.07.2017** in **SWP No.585/2016** by reference to which lead the petitioner No.-1 Bashir

Ahmad Thakur distanced himself, so therefore the Robkar proceedings in **CCP No.3/2023** also comes to close.

23. Now this Court is left only with **CCP(S) No.459/2022** which was preferred by Bashir Ahmad Thakur by reference to his writ petition SWP **No.887/2017.**

24. As the petitioner- Bashir Ahmad Thakur is said to have demised as is being reported today, as such it is left for the legal representatives of the deceased petitioner- Bashir Ahmad Thakur to take a call as to whether the benefits as intended and meant to be given in order dated **10.03.2022** ensue in favour of the legal representatives to pursue the contempt petition CCP(S) **No.459/2022** to its logical end or not.

25. Mr. Azeem Rasic Nabi, Associate of Ms. Falak Bashir Advocate seeks adjournment of a case for enabling him to apprise the legal representatives of the deceased petitioner Bashir Ahmad Thakur and report instructions on the next date of hearing.

26. List on **7th December 2026**.

27. Accordingly, on the next date of hearing only **CCP(S) No.459/2022 shall be listed** while other three petitions to be consigned to record as **dismissed**.

(RAHUL BHARTI)
JUDGE

SRINAGAR
03.11. 2026
"Opinder"