Serial No. 16
REg.. CAUSE LIST

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRNAGAR

CM(7826/2026) IN LPA 271/2026

ATAL DULLOO AND OTHERS **…Appellants(s)**

Through: Mr. Ab. Rashid Malik, Sr. AAG

Vs.

MOHAMMAD AKRAM DAR AND OTHERS **...Respondent(s)**

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

11.11.2026

CM(7826/2026)

01. This is an application seeking condonation of 41 days of delay in filing an intra court appeal against an order and judgment dated 27.07.2026, passed by learned Single Judge of this Court in CCP No.18/2025 titled ***"Robkar Vs. Atul Dulloo."***

02. The application for the reasons stated therein is allowed and delay in filing the appeal is condoned.

03. Application stands disposed of.

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04. This appeal under Clause 12 of the Letters Patent filed by the appellants is directed against an order dated 27.07.2026 passed by learned Single Bench of this Court ["the writ court"] in CCP No. 18/2025 titled in ***"Robkar Vs. Atul Dulloo",*** whereby the single Bench has rejected the consideration order dated 28.07.2025 passed

by the appellant in compliance with the judgment dated 21.04.2014 passed in SWP No. 2437/2012.

05. Admittedly, the order impugned has been passed in a petition filed by the respondents for initiating contempt proceedings against the appellants. The order impugned does not punish the appellants in exercise of contempt jurisdiction, and, therefore, is not appealable in view of the provisions of Section 19 of the Contempt of Courts Act. That apart in terms of impugned order, the learned Singh Bench has merely directed the respondents to reconsider the matter and pass a fresh order strictly in terms of order passed by the Writ Court in SWP No. 2437/2012.

06. The findings of fact recorded by the single Bench that the claim of the respondents if, otherwise tenable on the basis of record, cannot be thrown out merely on the ground that some records pertaining to the relevant year are gutted in fire cannot be found fault with.

07. To return its finding the Single Bench has relied upon the report of the Committee constituted by the appellants in terms of Government Order No. 49-Agri of 2015 dated 11.02.2015.

08. It needs to be taken note of that pursuant to the decisions taken by the aforesaid Committee in its meeting dated 22.10.2019, the case of the respondents for regularization was forwarded to the empowered committee for passing appropriate orders for regularization.

09. The Single Bench having perused the record produced by the appellants came to the conclusion that there was found nothing in the record brought which was contrary to the findings of fact returned by the Committee.

10. As a matter of fact, the appellants have not specifically denied that the respondents were engaged as daily wagers prior to the ban period and had performed continuous duties as such for more than seven years. As a matter of fact, the appellants placed the matter before the empowered committee for regularization of the respondents but later on in view of the opinion tendered by the Law Department, that the cases of the respondents for regularization could not be considered due to subsequent repeal of SRO 64 of 1994, the appellants decided to reject the claim of the respondents.

11. The consideration order dated 28.07.2025, passed by the appellants primarily rests upon the said opinion despite the fact that on an earlier occasion, this opinion of the Law Department was rejected by this Court.

12. It is true that the appellants are also taking the benefit of some record pertaining to the period prior to 2000 having been gutted in fire but, as is rightly held by the learned Single Judge, that alone cannot become the basis for rejection of the claim particularly in view of the decision of the Committee constituted by the Government.

13. The reliance placed by Mr. Abdul Rashid Malik, learned Sr. AAG on the judgments of Hon'ble Supreme Court in case titled "***UT of J&K and Anr. Vs. Fareed Ahmad Ganaie & Anr". SLP (C) No. 14570/2025, "Sanjary Prasad Vs. Madhusudan Dwivedi and Ors". reported in 2026 SCC online SC 2144 and "Midnapore Peoples' Coop. Bank ltd. Vs Chunilal Nanda" (2006) 5 SCC 399,*** are also misplaced for the reason that the consideration order dated 28.07.2025 is, on the face of it, mala fide, unfair and passed only to reject the claim of the respondents for having dared to file a contempt petition arraying an officer of the Rank of Chief Secretary as one of the contemnors.

14. For all these reasons, we are in full accord with the view taken by the learned Single Judge that the consideration order dated 28.07.2025 is mala fide, arbitrary, and, therefore cannot be said to be the compliance of the judgment dated 21.04.2014 passed in SWP No. 2437/2012.

15. For all these reasons, we find no merit in this appeal the same is accordingly dismissed.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Judge

SRINAGAR:
11.11.2026
"S. Nuzhat"

Whether the order is speaking Yes/No
Whether the order is reporting Yes/No