

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No. :- CCP (S) No. 113/2022

Pawan Kumar & Ors.

.....Petitioner(s)/Appellant(s)

Through: Mr. Ajay Abrol, Advocate

VsHirdesh Kumar Singh,
Commissioner Secretary
Transport Deptt. & Ors.

..... Respondent(s)

Through: None

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**ORDER****31.08.2024**

1. Status/compliance report in terms of order dated 22.04.2024 stands filed on behalf of the respondents, perusal whereof reveals that the matter regarding the regularization of the petitioners was taken up by Administrative Department (Transport) with the Department of Law, Justice and Parliamentary Affairs, for opinion in the matter, which in turn opined as under:

“3..... Since the stand of the Department is that the instant case is on same analogy and similarly situated as that of Kuldeep Raj case. As such, there is no scope to agitate the matter in any forum. Accordingly, the Department is advised to apply the same yardstick and take an administrative decision in the instant matter at their level in consultation with the Finance Department.”

2. In compliance of the aforesaid opinion, the Transport Department took up the matter with the Finance

Department which in turn opined that **“Department to estimate the financial implications for implementation in the present case”**.

3. The respondents while filing the compliance report (supra) have taken a fresh stand that they are in the process of estimating the financial implication in the instant case as advised by the Administrative Department with a view to regularize the services of the petitioners and since, this Court is not aware as to whether any such financial implication has been worked out or whether the petitioners have been regularized till date or not.
4. Today, when the case was taken up, there was no representation on behalf of the respondents nor has this Court been apprised whether order/judgment dated 17.11.2021 passed by this Court in SWP No. 1410/2013 has been complied with in its letter and spirit or else any financial implication has been done or not till date.
5. Mr. Abrol submits that since the order/judgment (supra) which is sought to be complied with through the medium of the instant contempt petition reveals that the writ petition (supra) was allowed by the Hon'ble Division Bench of this Court vide order dated 17.11.2021 in terms of order dated 22.11.2018 passed in SWP No. 2319/2015 titled **Abdul Majid and Ors. vs. State of J & K & Ors.** which was affirmed in LPA No. 22/2019 and inspite of that, respondents are adopting delaying tactics and are not

implementing the order/judgment (supra) in its letter and spirit.

6. In the aforesaid backdrop, let the Respondent No. 1- Hirdesh Kumar Singh, Commissioner/Secretary to Government, Transport Department, Govt. of J & K, Civil Secretariat, Jammu appear in person on the next date of hearing before this Court to explain as to why till date, the order/judgment 17.11.2021 has not been complied with, by way of filing an affidavit and the steps taken, in furtherance of the order/judgment (supra) passed by this Court.
7. Let the needful be done within one week's time, positively. However, it is made clear that in case the order/judgment (supra) is complied with before the next date of hearing, the personal appearance of the Respondent No. 1 is not required.
8. List on **13.09.2024**. सत्यमेव जयते
9. Registry is directed to convey this order to Respondent No. 1 for immediate compliance.

(Wasim Sadiq Nargal)
Judge

JAMMU
31.08.2024
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