

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.2250/2025  
[ @ SLP(C) NO. 15924/2024 ]**

**RAKESH SIGHAL & ANR.**

**Appellant(s)**

**VERSUS**

**GHULAM RASOOL RATHER & ORS.**

**Respondent(s)**

**O R D E R**

**1. Leave granted.**

**2. This appeal arises against the judgment and order passed by the High Court of Jammu & Kashmir and Ladakh at Srinagar in CCP(S) No. 213/2021 in SWP/2450/2013 dated 04.06.2024.**

**3. The respondents are employees of the Regional Engineering College (later replaced by the National Institute of Technology) working in the students' mess for about 4 to 25 years. They sought regularization of their services from the authorities and upon the authorities' inaction on their request, they filed SWP No. 1300/2010 before the High Court. The High Court allowed the said writ petition by an order dated 29.12.2010, directing the authorities to consider the employees' representation and pass appropriate orders. Accordingly, the authorities passed an order dated 27.12.2011 rejecting the request of the employees. The respondent challenged the rejection order by way of another writ**

petition bearing no. SWP/2450/2013. The High Court disposed of the writ petition by an order dated 27.07.2015, setting aside the said rejection order. It was stated that the rejection order does not explain why the employees' request for regularization did not conform to the relevant policy in place, and directed the authorities to consider the matter afresh. The relevant portion of the order dated 27.07.2015 is reproduced here for convenience:

*"[...] In these circumstances I find due grounds to allow the present petition. The same is, therefore, allowed. Order impugned is set aside. Respondents are directed to consider the case' of the petitioners afresh for their regularization in terms of the Board of Governors order No. 34 of 2000 and pass appropriate orders in the matter in respect of those petitioners who fulfill the eligibility criteria as prescribed, within a period of three months from the date this order is served on them."*

4. The respondents then filed a Contempt Petition No. 947/2015 in SWP/2450/2013 seeking that the authorities comply with the order dated 27.07.2015. It is to be noted that during the pendency of the said contempt petition, the authorities had passed a speaking order dated 28.12.2015. By way of this order, the authorities again denied regularization to the respondents claiming lack of vacancies. Following the same, the contempt petition was disposed of by an order dated 07.12.2020, stating that there was no reason to keep the petition alive because the employees had changed posts on account of transfers, or had retired. However, it gave liberty

to the employees to file appropriate proceedings in case they were still dissatisfied.

5. It is in this context the respondents filed the concerned Contempt Petition No. CCPS/213/2021 in SWP/2450/2013, claiming that the order dated 29.12.2010 is still not complied with. By way of the impugned order in the said contempt petition, the High Court has converted orders directing 'consideration' into 'direction' and proceeded to hold that there is violation of the Court's order and entertained the contempt petition.

6. The order impugned before us has held as under:

*"12. Viewed thus, the respondents/contemnors are directed to report compliance of the judgment by or before the next date which shall be the last and final opportunity available to them in this regard, failing which Court shall be constrained to take coercive measures against them.*

*13. At this stage, the appearing counsel for the respondents/contemnors impleaded in the contempt petition have either superannuated or stand transferred respectively more than a year ago. In this view of the matter, the counsel for the petitioners shall serve the judgment upon the present incumbents whereunder the instant contempt petition has arisen in order to provide them an opportunity to comply with the same. Let the needful be done within ten days' time by the counsel for the petitioners, whereafter the present incumbents shall have four weeks' to report compliance of the judgments."*

7. As is evident from the above, the order dated 29.12.2010 is nothing but a direction to consider the request. Even the order

dated 27.07.2015, is also a direction to consider the case of the respondents. By these orders the High Court neither determined right of the respondents nor directed their appointment at any point of time. Under these circumstances, there is no occasion for the High Court to entertain the Contempt Petition.

8. It is also important to note that every time the High Court passed an order directing consideration of the case of the respondents, the appellants had in fact considered the same as is evident from the orders dated 27.12.2011, 28.12.2015 and 04.11.2022. Thus there is full compliance of orders passed by the High Court from time to time.

9. In view of the above, we allow the appeal, set aside the order passed by the High Court and close the contempt petitions.

10. This order is without prejudice to any remedy that the respondents may avail for regularisation of their services.

11. With these directions, the civil appeal is disposed of.

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.  
[MANOJ MISRA]

New Delhi

**February 10, 2025**

**ITEM NO.54**

**COURT NO.11**

**SECTION XII-A**

**S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (C) No(s). 15924/2024**

**[Arising out of impugned final judgment and order dated 04-06-2024 in CCP(S) No. 213/2021 passed by the High Court of Jammu & Kashmir and Ladakh at Srinagar]**

**RAKESH SIGHAL & ANR.**

**Petitioner(s)**

**VERSUS**

**GHULAM RASOOL RATHER & ORS.**

**Respondent(s)**

**IA No. 156601/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**

**Date : 10-02-2025 This matter was called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s) :Mr. Mahfooz Ahsan Nazki, AOR  
Mr. Meeran Maqbool, Adv.  
Mr. Vivek Rajan D.b, Adv.  
Ms. Priyanka Chaudhary, Adv.**

For Respondent(s) :Mr. Shailesh Madiyal, Sr. Adv.  
Mr. Parth Awasthi, Adv.  
Mr. Shashank Tripathi, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted.
2. The Civil Appeal is disposed of in terms of the signed order.
3. Pending applications, if any, also stand disposed of.

(INDU MARWAH)

AR-cum-PS

(SIGNED ORDER IS PLACED ON THE FILE)

(NIDHI WASON)

COURT MASTER (NSH)