

HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

CM No. 2005/2020
In CPSW No. 34/2018
CM No. 2006/2020

Dr Sheikh Maqbool Ahmad.

...Petitioner(s)

Through: Mr Manzoor Ahmad Dar, Advocate.

vs

Abdul Majid & Anr.

...Respondent(s)

Through: Mr Shah Aamir, AAG with Ms Sharaf
Wani, Assisting Counsel.

CORAM:

Hon'ble Mr. Justice Ali Mohammad Magrey, Judge.

ORDER
15.06.2020

CM No. 2005/2020;

Mr Manzoor A. Dar, Advocate for applicant/petitioner.

Mr Shah Aamir, AAG with Ms Sharaf Wani, Assisting counsel for non-applicants/respondents

By medium of the instant application, the applicant/petitioner is seeking early listing of the MP (fresh) alongwith contempt petition.

On the set of facts and the grounds urged coupled with submissions made at Bar, the instant application is allowed and the MP (fresh) alongwith contempt petition are taken on board. CM is accordingly **disposed** of.

CM No. 2006/2020;

Mr Manzoor A. Dar, Advocate for applicant/petitioner.

Mr Shah Aamir, AAG with Ms Sharaf Wani, Assisting counsel for non-applicants/respondents.

During pendency of the contempt, the applicant/petitioner has filed the instant application seeking implementation of the order passed on 18.03.2020

for release of retiral/pensionary benefits read with orders passed on 08.05.2019, 29.05.2019 and 07.12.2019.

In terms of Government order bearing No. 388-JK(HME) of 2020 dated 22.04.2020, the Government seems to have implemented the judgment by reinstating the petitioner on 31.03.2011 and also treating the period of his suspension w.e.f. 24.04.2010 to 31.03.2011 as the period spent on duty.

Mr Manzoor Ahmad Dar, learned counsel appearing for the petitioner has also invited attention of this Court to the communication bearing No. Es-3/1-133/1213-17 dated 27.05.2020, addressed by the Deputy Director, Health Services Kashmir, to the Director, Family Welfare Department, wherein, Deputy Director, Health Services, Kashmir, while making reference to the Government order (*supra*) has sought information from the Director, Family Welfare Department, regarding details of extra/undue payments to some incumbents with reference to alleged illegal appointments. Mr Manzoor Ahmad Dar, learned counsel appearing for the petitioner submits that the said communication amounts to further contempt of the Court as it is aimed at only withholding the benefits which is due to the petitioner in terms of the orders of the Court and implemented by the Government in terms of Government order (*supra*).

Notice in the CM.

Mr Shah Aamir, learned AAG waives notice on behalf of respondents. Compliance be filed within a period of two weeks.

List on 1st of July, 2020.

Meanwhile, the communication dated 27th of May, 2020, shall not be acted upon and the Respondent No. 4-Director, Health Services, shall ensure

implementation of the judgment and compliance be filed within a period of two weeks.

Registry to provide copy of this order to the appearing counsel for the parties through *e-mail*.

(Ali Mohammad Magrey)
Judge.

SRINAGAR:

15.06.2020

"Hamid"

