

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CPSW No. 372/2008

Showkat Ali

.....Petitioner(s)

Through: None.

V/s

Dr. B. Srinewas And Ors.

..... Respondent(s)

Through: Mr. B.A. Dar, Sr. AAG.

CORAM:

Hon'ble Mr. Justice Sanjay Dhar, Judge.

ORDER

30.11.2021

Petitioner has sought compliance of the order dated 07.12.2007 passed by the writ court in SWP No. 987/2006. Vide the aforesaid order the writ court has passed the following directions:

“In the circumstances and in view of the law laid down by the Apex Court, the petition is disposed of with the direction that the respondent shall take up the case of the petitioner and complete the enquiry as far as practicable within a period of four months from the date this order is served on the respondents, failing which the disciplinary enquiry against the petitioner shall be deemed to have come to any end. Needless to mention that once the enquiry comes to its conclusion/deemed to have come to an end and, the petitioner shall be, in accordance with the decision of the Enquiry Committee given the service benefits to which he is entitled under the Service Rules”.

Statement of facts stands filed on behalf of respondents. In the statement of facts, it is mentioned that vide District Police office order No. 186/2009 dated 24.01.2009, the enquiry proceedings against the petitioner

stand dropped and the petitioner has been exonerated from the charges. It is further noted in the statement of facts that after exoneration of petitioner from the charges, following provision with regard to the intervening period of petitioner has been made:

- I. Period of absence for which Constable Showkat Ali No. 54/TR, 1540/S remained out of service from 31.01.1992 to 29.07.1995 is treated as on leave, whatever is due to him.
- II. Period of suspension as well in respect of the aforesaid official is treated as on duty. Moreover the petitioner is entitled to all service benefits admissible under the service rules.

In view of the above, the order of the writ court stands complied. The proceedings against the respondents are dropped and the contempt petition is accordingly disposed of.

(Sanjay Dhar)
Judge

SRINAGAR
30.11.2021
"Mir Arif"