

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 1927/2024
CM No. 5194/2024

Mohammad Iqbal Khan ...Appellant/Petitioner(s)

Through: Mr. Nisar Ahmad Bhat, Advocate

Vs.

UT of J&K and Ors. ...Respondent(s)

Through: Mr. Syed Musaib, Dy. AG

CORAM:

HON'BLE MR JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

31.08.2024

1. Syed Musaib, Dy. AG, passes on a copy of objections in open Court and the same is taken on record.
2. Petitioner is aggrieved of Show Cause Notice No.PA/MS/LDH/2309-12 dated 25.07.2024, which reads as under:-

“Sub:- Show Cause Notice.

Memo,

1. Whereas, permission was granted in your favor to keep available/sell clothes & other baby items in the canteen premises by the Resident Medical Officer dated 05.11.2005 as the inpatients were facing difficulties in procuring the requisite items during odd hours.
2. Whereas, it was the need of the hour as the said items were not available in the vicinity of the hospital due to which patients/attendants faced difficulties.
3. Whereas, at present these facilities are very much available all around the hospital as such this hospital does not require your services any more.
4. Whereas, you did not have formal orders/appropriate authorization from the competent authority and your have illegally occupied the space under the stairs.
5. Whereas, you were asked several times to vacate the same but you did not bother any you have continued to operate unlawfully to sell these items inside the hospital.
6. Whereas, during the recent visit of Administrative Secretary, H&ME, JK and Principal/Dean Govt. Medical College Srinagar, to this Hospital, they also directed to vacate you from this hospital.

Consequent upon the above, your are hereby given final warning to vacate from this hospital within 07 (Seven) days positively, failing to

response within the stipulated time frame the matter will be taken up with the higher authorities for further course of appropriate action.

3. Learned counsel for the petitioner submits that petitioner has been asked to vacate from hospital within 07 (Seven) days' without giving him an opportunity of being heard. He further submits that he restricts his prayer to the extent that the respondents before vacating the petitioner from the hospital premises shall hear him and thereafter pass appropriate orders.
4. Mr. Syed Musaib, Dy. AG, submits that respondents have given notice to petitioner to vacate from the hospital, which is a Show Cause Notice. However, the petitioner instead of responding to the Show Cause Notice has filed instant writ petition. He further submits that in case petitioner responds to the Show Cause Notice, the respondents will consider his response and thereafter pass final order.
5. Viewed in the above context, it will be futile to keep this writ petition pending on board and the same is, accordingly, disposed of with a direction to petitioner to respond to the show cause notice within one week and the respondents shall consider his response and pass final orders within one week thereafter. Till then petitioner shall not be vacated.
6. **Disposed of** along with connected CM(s).

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR

31.08.2024

Manzoor