

Raj Rani Vs. State and Others

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Court : Jammu and Kashmir

Decided On : Feb-18-2014

Judge : Muzaffar Hussain Attar

Appeal No. : SWP No. 803 of 2011

Appellant : Raj Rani

Respondent : State and Others

Judgement :

Oral Order:

Despite opportunities, respondents 1 to 3 have not filed the Reply Affidavit.

The petitioner is widow of Shri Ram Dhan, in whose favour judgement dated 15-11-2008 has been passed by this court in SWP 2480/2002, operative part whereof may be taken note of :

I have perused the aforesaid judgement dated 30-01-1997 passed by this Court and find that petitioners case is squarely covered by that judgement. I, therefore, direct the respondents to regularize the services of petitioner in terms of Government order No. 458 of 1981 dated 01-09-1981 and release the consequential benefits in his favour. Let this exercise be completed within a period of three months from the date copy of this order is received by the respondents.

The prayer of the deceased Shri Ram Dhan in SWP 2480/2002 was for grant of benefit of regularization in terms of Government order No. 458 of 1981 dated 01-09-1981 and for release of consequential benefits. The respondents Authorities have failed to comply with the judgement of the Court making them liable for being proceeded against for having, willfully and deliberately, disobeyed the judgement of the Court. The delay in implementing the judgement itself constitutes contempt of the Court. This writ petition is filed by widow of Shri Ram Dhan with the prayer that judgement of the Court dated 15-11-2008 passed in SWP 2480/2002 titled Ram Dhan versus State and others, may be implemented and respondents be directed to give all the service benefits including retiral benefits, due to the deceased Shri Ram Dhan, to the petitioner.

This writ petition has been filed in the year 2011 when the petitioner, as recorded in the writ petition, was 75 years of age. The aforementioned facts leave one only to imagine as to how the rights of the people are being dealt with by the respondent State and its authorities and in what casual manner the judgements of the Court are being treated.

Judgement dated 15-11-2008 passed in SWP 2480/2002 has attained finality and it binds the respondents in law to implement the same.

The court has specifically directed the respondents to regularize the services of the petitioner in SWP 2480/2002 in terms of Government order No. 458/1981 dated 01-09-1981 and release the consequential benefits. The respondents are duty bound to regularize services of the deceased petitioner Shri Ram Dhan in terms of the aforesaid order.

In view of the peculiar facts of this case, relaxation in upper age bar, shall be deemed to have been granted. The respondents shall issue regularization order and give all consequential benefits flowing from such regularization order to the petitioner widow of Shri Ram Dhan.

For delayed implementation of the judgement passed in SWP 2480/2002, the respondent No.2 shall have to be put on notice as to why he should not be proceeded against and punished for having committed contempt of the Court.

This writ petition along with connected IAs is disposed of and respondents are directed to issue the regularization order in favour of the deceased Shri Ram Dhan, in accordance with the direction given by the Court in SWP 2480/2002 within two weeks time by deeming that the upper age limit stands relaxed. The petitioner, who is widow of the deceased Shri Ram Dhan, shall be given all consequential benefits. From three weeks from the date copy of this order is served on respondents 1 to 3, they shall refer the case of the petitioner deceased Shri Ram Dhan to respondent No.4, who, on receipt of the case from respondents 1 to 3, shall pass pension payment orders/other orders in accordance with rules within two weeks thereafter.

Writ petition is, accordingly, disposed of along with connected IAs.

Registry to issue notice to the respondent No.2 (Shri Pawan Kotwal) to show cause as to why contempt proceedings may not be initiated against him for having delayed the implementation of the judgement passed in SWP 2480/2002 dated 15-11-2008. Response to be filed within two weeks by the said authority. Registry to serve copy of this order on the said authority.

Registry to list the index of this writ petition along with copy of this order in the week commencing from 10th March, 2014 higher up.

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