

State of Jandk; and ors Vs. Narayan Prasad Sharma

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Court : Jammu and Kashmir

Decided On : Mar-05-2013

Judge : Hon'ble Mr. Justice M. M. Kumar

Appellant : State of Jandk; and ors

Respondent : Narayan Prasad Sharma

Judgement :

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU. LPASW No. 112 OF 2011.AND CDLSW No. 54 OF 2011.State of J&K & Ors Petitioners Narayan Prasad Sharma Respondent !Mr. Gagan Basotra, Sr. AAG ^Mr. B. B. Kotwal, Advocate Honble Mr. Justice M. M. Kumar, Chief Justice Honble Mr. Justice Mansoor Ahmad Mir, Judge Date:

05. 03.2013 :

JUDGMENT

: M. M. Kumar, CJ 1 The instant appeal under Clause 12 of the Letters Patent is directed against the judgment and order dated 09.05.2011 rendered by the learned Single Judge of this Court indicating that sanction has been accorded for appointment of the appellant-writ petitioner as constable in J&K Police on compassionate ground subject to his fitness in all respect and clearance from CID Headquarters. The learned Single Judge was also apprised that vide order dated 04.03.2011 passed in SWP no. 128/2010 and CMA no. 142 of 2010, a similarly

situated person was granted the same benefit. Accordingly the learned Single Judge disposed of the writ petition, relatable to the instant appeal, by issuing a direction to the respondents to 2 consider the claim of the appellant-writ petitioner in pursuance of PHQ order no. 2113 of 2007 dated 20.06.2007 in accordance with the rules and to grant the writ petitioner- respondent all those benefits which flow from the said order, in case there was no other legal impediment.

2. The aforesaid order stands implemented, therefore, nothing would survive in the present appeal. Although it has been stated that on 21.01.2010 the order dated 20.06.2007 has been withdrawn. However, the fact remains that order dated 20.06.2007 bearing PHQ order no. 2113 of 2007 has been implemented and the earlier proceedings have come to an end. The forum of Letters Patent cannot be used for adjudication of a new cause of action, therefore, we refrain from expressing any view on the order dated 20.01.2011. We do not find any merit in the appeal nor any justification for condoning the extra ordinary delay of 518 days in filing the instant appeal.

2. As a sequel to the above discussion, the appeal is dismissed. In view of the dismissal of the appeal, we do not wish to pass any orders on the application seeking condonation of delay. (Mansoor Ahamd Mir) (M. M. Kumar) Judge Chief Justice JAAMU:

05. 03.2013 Anil Raina, Secy. 3

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