
(2023) 09 J&K CK 0034
In the Jammu And Kashmir High Court
Case No : CPSW No. 119 Of 2011

Imtiyaz Hussain Rather

APPELLANT

Vs

Kuldeep Khuda And Others

RESPONDENT

Date of Decision : 22-09-2023

Acts Referred:

Administrative Tribunal Act, 1985 — Section 4, 17, 29

Citation : (2023) 09 J&K CK 0034

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : P. N. Bhat, Monika Kohli

Final Decision : Dismissed

Judgement

Sanjay Dhar, J

1) Through the medium of instant petition, the petitioner has complained about the violation of interim order dated 22.02.2011 passed by this Court in SWP No. 362/2011, whereby the respondents were directed to keep one post of Constable in Jammu and Kashmir Police (Executive) for District Doda un-filled till next date of hearing.

2) Learned counsel for the respondents submits that the main writ petition stands transferred to Central Administrative Tribunal. This position has not been disputed by the learned counsel for the petitioner.

3) A Co-ordinate Bench of this Court in case Abdul Qayoom Guroo vs. Ajeet Kumar Sahoo and Ors. CCP(S) No. 144/2020, decided on 29.09.2021 has, while considering the question as to whether Central Administrative Tribunal constituted under Section 4 of the Administrative Tribunal Act, 1985 [“the Act”] has power and authority under Section 17 of the Act to punish for contempt in relation to an interim order passed by the High Court in a writ petition, which was subsequently transferred to it under Section 29 of the Act, held that contempt proceedings in relation to orders passed by this Court in the petitions,

which subsequently stand transferred to the Tribunal under Section 29 of the Act, shall lie only and only before the Tribunal under Section 17 of the Act.

4) In view of the above ratio laid down by this Court, the instant petition is held to be not maintainable. The same is, accordingly, dismissed with liberty to the petitioner to approach the Central Administrative Tribunal by way of an application under Section 17 of the Act, read with Contempt of Courts (CAT) Rules, 1992.