

ITEM NO.62

COURT NO.6

SECTION XII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).25417/2023

(Arising out of impugned final judgment and order dated 20-09-2023 in SWP No.2037/2017 passed by the High Court Of Jammu & Kashmir And Ladakh At Jammu)

UNION TERRITORY OF JAMMU AND KASHMIR &amp; ANR.

Petitioner(s)

VERSUS

HONBLE HIGH COURT OF JAMMU AND  
KASHMIR AND LADAKH & ORS.

Respondent(s)

(IA No.235905/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and  
IA No.235907/2023-PERMISSION TO FILE LENGTHY LIST OF DATES )

Date : 04-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. K.M Nataraj, A.S.G.  
Mr. Shailesh Madiyal, A.A.G.  
Mr. Kanu Agrawal, A.A.G.  
Mr. Pashupathi Nath Razdan, AOR  
Ms. Indra Bhakar, Adv.  
Ms. Maitreyee Jagat Joshi, Adv.  
Mr. Prakhar Srivastav, Adv.  
Mr. Astik Gupta, Adv.  
Mr. Vaibhav Sabarwal, Adv.  
Ms. Akanksha Tomar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. K. M. Natraj, learned Additional Solicitor General appearing for the petitioners.

The counsel would firstly refer to the prayers in the SWP No. 2037/2017 to point out that the scope of the writ petition have been unjustly expanded by the High Court. In course of the proceedings the personal presence of various senior officers of the Government have been

ordered on as many as seven occasions. Besides other coercive orders such as stoppage of salaries to the officers have also been ordered by the Bench.

On the aspect of sanctioning posts for the High court, it is submitted that the Government is considering creation of posts in a phased manner and by now 156 posts have been created and the Government is examining the claim for creation of more posts, depending upon the requirement. However, the Division Bench of the High Court by repeatedly listing writ petition and ordering for personal presence of the officers, is pressurizing the Government to do what they are otherwise trying to do, in a phased manner.

The learned ASG then referred to the notice issued by this Court on 10.04.2023 in the UT's SLP (Civil) No.6806 of 2023, arising out of the very same writ proceedings where personal presence of the Chief Secretary of UT of J&K, Secretary to Govt. of UT of J&K, Department of Law, Justice & PA, Secretary to Govt. of UT of J&K, Finance Department and Secretary to Govt., UT of J&K, General Administration Department was ordered by the High Court and this Court stayed the order dated 08.02.2023.

Issue notice, returnable in four weeks.

In the meantime, the proceedings in the SWP No.2037 of 2017 may continue but the Court should not unnecessarily insist on the personal presence of the UT of J&K Government officers.

(DEEPAK JOSHI)  
COURT MASTER (SH)

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR