

SUPREME COURT OF INDIA

State of Jammu and Kashmir

Vs.

Mohammad Mehraj-Ud-Din Khan

C.A.No.19493 of 2017

(Kurian Joseph and Amitava Roy,JJ.,)

21.11.2017

JUDGMENT

Kurian Joseph, J.,

SLP(Civil)No.17621/2017

1. Leave granted.
2. The State of Jammu and Kashmir approached this Court challenging the order dated 06.04.2017 passed by the Division Bench of the High Court of Jammu and Kashmir at Srinagar. The matter has a chequered history. However, given the nature of the order we propose to pass and having regard to the intervening developments, it is not necessary to go into those details.
3. The issue pertains to the appointment of Respondent No.1 in the Kashmir Administrative Service. The learned Single Judge held in favour of Respondent No.1 and at a later stage the learned Single Judge went to the extent of imposing costs of Rs.20,000/-, and also initiating contempt proceedings. The State did not succeed before the Division Bench in the appeal and, thus, they are before this Court.
4. In view of the earnest efforts taken by Mr. Jahangir Iqbal Ganai, Advocate General of the State of Jammu and Kashmir, ably assisted by Mr Shoeb Alam, learned Standing Counsel for the State of Jammu and Kashmir, the entire disputes have been given a quietus. What remain now are only three things, (i) order regarding costs, (ii) fate of contempt proceedings and (iii) the arrears.
5. As far as the third issue is concerned, learned Advocate General appearing for the State assures this Court that arrears are being worked out and the same would be paid to Respondent No.1 expeditiously and in any case before his retirement from service. The submission of the learned Advocate General is recorded.

6. As far as contempt is concerned, having regard to the developments leading to the implementation of the judgment in letter and spirit, we are of the view that the proceedings are to be dropped. Therefore, the contempt proceedings are dropped and the rule is discharged.

7. As far as imposition of costs is concerned, having regard to the steps taken by the State, though belatedly, and taking into consideration the apologetic stand taken by the State before this Court, we are of the view that the order of costs also should be vacated. Ordered accordingly.

8. The appeals are, accordingly, disposed of.

9. Pending applications, if any, shall stand disposed of.

10. There shall be no orders as to costs.