

2025 LiveLaw (SC) 303

IN THE SUPREME COURT OF INDIA

SURYA KANT; J., NONGMEIKAPAM KOTISWAR SINGH; J.

Petition(s) for Special Leave to Appeal (C) No(s). 5873/2025; 07-03-2025

UNION TERRITORY OF JAMMU AND KASHMIR & ORS. *versus* ABDUL REHMAN KHANDAY & ORS.

Administrative Law - Compliance with Court Orders - Delay and Obstination - Harassment of Daily Wage Workers - The Supreme Court dismissed a Special Leave Petition filed by the Union Territory, observing that the case presented a "glaring and textbook example of obstination" by state officials who took 16 years to comply with a High Court order. The Court expressed shock at the delay and the repeated harassment of poor daily wage workers through cryptic orders that disregarded the spirit of the 2007 High Court order. While the Court considered imposing exemplary costs and recommending disciplinary action against the delinquent officers, it refrained from doing so as contempt proceedings were pending before the Single Judge. The Court directed the Single Judge to expedite the contempt proceedings on a weekly basis to uphold the majesty and sanctity of law. (Para 2 – 4)

[Arising out of impugned judgment and order dated 04-12-2024 in LPA No. 298/2024 passed by the High Court of Jammu & Kashmir and Ladakh at Srinagar]

For Petitioner(s): Mr. Rushab Aggarwal, Adv., Mr. Pashupathi Nath Razdan, AOR

For Respondent(s): Mr. Soayib Qureshi, AOR Ms. Chetna Alagh, Adv.

ORDER

1. Heard learned counsel for the petitioner – Union Territory. Also heard learned counsel for the private respondents, who have entered appearance on Caveat. Record has been perused.
2. At the very outset, we are constrained to observe that the present case is a glaring and textbook example of obstination exhibited by the state officials/authorities, who consider themselves to be above and beyond the reach of law. The inaction of the officers of the petitioner - Union Territory, who took about 16 years to comply with a *simpliciter* High Court order passed on 03.05.2007, is shocking and *prima facie* contemptuous.
3. However, what concerns us is not the delay of decades alone, but also the incontrovertible fact that the poor respondents, being daily wage workers, have been repeatedly harassed by the petitioners by passing cryptic orders, thereby overlooking the true import and spirit of the order dated 03.05.2007 passed by the learned Single Judge. In such facts and circumstances, the observations made by the Division Bench of the High Court including the imposition of symbolic cost does not warrant any interference by this Court.
4. In actuality, we consider the instant case fit for imposing exemplary costs on the delinquent officers, besides also recommending strong disciplinary actions against them. However, we presently refrain ourselves from doing so, keeping in view the fact that the contempt proceedings are still pending before the learned Single Judge. We, consequently, request the learned Single Judge to take up the contempt proceedings on a weekly basis and ensure that majesty and sanctity of law is well maintained.
5. The Special Leave Petition is dismissed, in the above terms.
6. Pending application(s), if any, shall stand disposed of.