

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 161/2020

MANSOOR AHMAD LONE AND ORS.

...Appellant(s)/Petitioner(s)

Through: Mr. M. M. Dar, Advocate

Vs.

UT of JK and Others

...Respondent(s)

Through: Ms. Rahila Khan, Assisting counsel vice
Mr. Mohsin Qadiri, Sr. AAG

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER
24.11.2025

Following reliefs are sought by the petitioners in this writ petition:

“Issue a Writ, Order or Direction in the nature of Mandamus, commanding the respondents to consider and extent the same benefit in favour of the petitioners as has been done by them with respect to employees of erstwhile J&K Consumer Cooperative Federation (CONFED) vide cabinet decision dated 15.07.1999 read with Judgments passed by this Hon'ble Court dated 30.09.2005 in SWP no. 1839/1999 forming part of this writ petition.

Issue a Writ, Order or Direction in the nature of Mandamus, commanding the respondents to take decision regarding the proposed amendment to be taken in SRO 233 of 1988 on the basis of recommendation made by the committee constituted in this behalf way back in the year 1995 forwarded by the respondent no. 5 to the then Commissioner Agriculture dated 04.01.1997 forming part of this Writ petition.

Issue a Writ, Order or Direction in the nature of Mandamus, commanding the respondents to release all consequential benefits of the petitioners along their part of salary from the year 1997 onwards as per grade determined by the Government for the posts held by them and also take formal decision more particularly upon representation dated 25.10.2017 and also as per the forwarding letters dated 20.06.2019, 21, 08, 2019 as well as 23.09.2019.”

The said reliefs are sought on the following grounds:

“(a) That the inaction of respondents in not according similar treatment to the petitioners as has been given to the employees of then CONFED vide cabinet decision dated 15.07.1999 read with Judgment passed by this Hon’ble Court dated 30.05.2009 deserves to be set at right on the ground that petitioners requires to be considered against the permanent absorption in the Government Departments as has been even projected and forwarded by the duly constituted committee while seeking amendment to SRO 233 of 1988 vide proposal of 1997 as admittedly the petitioners are holding different designations in various cooperative marketing societies, who were getting their supplies for onwards distribution through the then CONFED. Once the said CONFED has been abolished and formal decision was taken with respect to their employees and since petitioners were also distributing all the items supplied through CONFED and have also rendered jobless and are continuing against the posts on meager salary of Rs. 5000-10000 that too is to be earned and generated by the through the commissions received while supplying certain essential commodities which admittedly have been now either to self-reliance cooperative societies or CA&PD. So, the petitioners on all counts have deprived of their livelihood and require indulgence of this Hon’ble Court for protection of the same as guaranteed under Article 21 of the Constitution.

(b). That the inaction of the respondents for not considering the petitioners treating them as employees of the Government by inserting amendment in SRO 233 as proposed by the Committee constituted in this behalf and on the other hand the respondents have already considered the employees of different cooperative societies for their permanent absorption in the Government Department in the year 1997 by virtue of then Govt. Order No. 383-PDD of 1997 dated 16.12.1997 which deals with winding-up of Rural Electrification Cooperative Society Limited Vijaypur Samba and the absorption of the employees in the Govt. Department and also vide Govt. Order No. 299-SW of 1999 dated 27.09.1999 by virtue of which the employees of the cooperative cell of erstwhile MBK Srinagar in the Social Welfare Department and also vide Govt. Order No. 268-IND of 1988 dated 02.09.1988 the employees of J&K SICOP, J&K Himalayan Wollen Chambers Limited, J&K Handloom Development Corporation and JK SIDCO were absorbed prior to the absorption of the employees of CONFED into Govt. services which was the sources of the supplies to the petitioners society. Since the employees of the above referred societies have admittedly being absorbed by the Govt. and also the employees of the CONFED which is leaving there only the petitioners who have not been as yet considered from such consideration and although the decisions were taken by the respondents regarding the absorption of the employees of the

CONFED which was later on not implemented and forced the employees of the CONFED to approach this Hon'ble Court through SWP no. 1839/1999 titled as Mohammad Yousuf Margay and Ors vs. State and Others which was allowed by this Hon'ble Court vide order dated 30.09.2005 by virtue of which the respondents were directed to absorb the petitioners therein on the basis of Cabinet Decision passed in their respect and it is only the petitioners who despite their hard working and persuasion whose demands have not been considered by the respondents as the petitioners are also similarly situated with the employees of the CONFED and other cooperative and by not considering them for such consideration renders the action of respondents violative of Article 14 and 16 of the Constitution of India.

(c) That since the petitioners who are working in the respondent department since last more than 30 years are yet to be considered for their permanent absorption and the respondents who are knowing the fact that the petitioners who are working in different marketing societies which have their estates worth Rs. 1000 crores at present and have only liability worth Rs. 200 crores by way of pending salary, arrears of the petitioners right from the year of their appointment and especially from the year 1995 from which date they have been deprived from their part of salary while deducting the main supplies which use to come to them through CONFED being their source and in this way the respondents have virtually violated the Article 21 of the Constitution of India by not paying the petitioners regular salary despite their working in the respondent department. Since right to livelihood is a constitutional right to the petitioners and admittedly the said right has been violated by the respondents, hence on this score also the inaction of the respondents deserves to be set at right.

(d) That the inaction of the respondents for not considering the petitioners for permanent absorption in the Government departments after implementing the recommendation made by the committee duly constituted in this behalf by seeking amendment in SRO 233. In this context, one cabinet decision was passed by the respondents way back in the year 2001 but the said cabinet decision was not formally implemented while as the cabinet decision taken by the respondents in respect of employees of the CONFED and also different Government orders issued by the respondents from time to time by absorption the employees on different societies makes it crystal clear that it is only the petitioner whose case is not being considered by the respondents despite the recommendations made by the subordinate authorities as well as by the committee constituted in this behalf and such inaction of the respondents is violative of Article 19(g) of the Constitution, hence the inaction of the respondents deserves to be set at right.

(e) That since the petitioners are and have also performed their duties in the respondents department not only from the year 1995 but from the date of their initial appointment which fact can be ascertained by the respondents while examining the order dated 01.01.1992 by virtue of which different employees of different cooperative marketing societies meaning thereby petitioners are actually working in the respondent department but despite that a rider has been imposed upon them for not considering them for permanent absorption in the Government departments although their similarly situated employees of other cooperative sectors and other cooperative societies have been since effect. In this context, it is only the petitioners who are being deprived of the said benefit, hence on this score also the inaction of the respondents deserves to be set at right”.

Learned counsel for the parties at this stage submit that petitioners claim could be considered strictly in accordance with law while taking into consideration the grounds taken up in this petition and relief claimed.

Since counsel for the respondents submits that claim of the petitioners would be considered strictly in accordance with law, therefore, this petition shall stand disposed of with a direction to the respondents to treat the present writ petition as a representation on behalf of the petitioners and accord consideration to their claim taken by them in the grounds in the writ petition. Needful shall be done by the respondents most expeditiously preferably within a period of three months from the date a copy of the writ petition as well as copy of this order are provided by the petitioner to the respondents.

Disposed of as above.

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR
24.11.2025
“Imtiyaz”