

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

SWP No. 1013/2015

Jan Mohammad Wani and Ors. ...Appellant/Petitioner(s)

Through: Mr. Syed Sajad Geelani, Advocate

Vs.

State of J&K and Ors. ...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA

CORAM:

HON'BLE MR JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

11.12.2025

1. The petitioners, claiming to be employees of the Municipal Committee, Bandipora, holding various posts such as Driver, Khalifwarzi Assistant, Death and Birth Reporter, etc., have approached this Court seeking following directions.
 - (i) Determine their seniority and place them at their rightful positions, taking into consideration the date and particulars of their first engagement orders.
 - (ii) Treat them as regular employees and release the Grade Pay attached to their posts with retrospective effect.
 - (iii) Refrain from causing any impediment or hurdle in their smooth functioning and discharge of duties against the posts for which they were appointed.
2. The short grievance of the petitioners' is that, having been appointed on a substantive basis, the respondents are under a statutory and legal obligation to grant and release in their favour the Grade Pay attached to the respective posts against which their services are being utilized. Despite performing their mandated duties, they are being deprived of the legitimate emoluments and benefits corresponding to their appointed posts.
3. The petitioners assert that they are similarly situated to other employees of the Municipal Committee, Bandipora, who have already been accorded the benefit of the attached Grade Pay. On the principle of equality before law and equal pay for equal work, the respondents

cannot resort to differential treatment among employees belonging to the same class, thereby mandating the extension of the same benefit to the petitioners.

4. Furthermore, the respondents are duty-bound to determine and finalize the seniority of the petitioners for the purpose of their next higher promotion, with due regard to their respective initial engagement orders and qualifications. It is contended that the respondents are unnecessarily raising impediments and hurdles, thus impeding the rightful disposal of the petitioners' grievances.
5. The petitioners further submit that despite recent representations seeking the release of the attached Grade Pay, the respondents have unjustifiably withheld their salaries, notwithstanding the uninterrupted discharge of their duties. Reference is drawn to the case of similarly placed employees of the Municipal Committee, Bandipora, who have filed SWP No. 252/2014, wherein this Hon'ble Court has previously directed the respondents to consider the release of the legitimately unpaid salary under rules within a stipulated period.
6. The respondents, in their objections, have primarily contested the claim, asserting that the petitioners are not on the rolls of the Municipal Committee, Bandipora. However, during the course of the hearing, Mr. Ilyas Nazir Laway, learned counsel for the respondents, submitted that without prejudice to the stand taken in the objections, the respondents will consider the claims as projected by the petitioners in the instant petition in accordance with law.
7. Learned counsel for the petitioners, after arguing for a while, submitted that the petitioners would feel satisfied if this writ petition is disposed of at this stage by directing the respondents to consider their claim and pass appropriate orders thereon.
8. In the light of foregoing reasons and considering the submissions of learned counsel for the parties, it is deemed futile to retain this petition on the board. Accordingly, the instant petition is **disposed of** with a direction to the respondents to consider the claims raised by the petitioners in the present writ petition strictly in accordance with applicable rules and regulations governing the field, and pass a reasoned order after affording the petitioners an opportunity of being heard.

9. The entire exercise of consideration and passing of the final order shall be completed by the respondents within a period of three months from the date a certified copy of this order is served upon the respondents.
10. It is made clear that this Court has not expressed any opinion on the merits of the claims of the petitioners, and the respondents shall be free to decide the matter as per the law and facts before them.

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR

11.12.2025

Manzoor

