

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

Reserved on: 28.11.2025

Pronounced on: 05.12.2025

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*Whether the operative part
or full judgment is
pronounced: Full*

WP(C) No.2266/2022

GHULAM NABI DAR & OTHERS

... PETITIONER(S)/APPELLANT(S)

Through: - Mr. Hilal Ahmad Wani, Advocate.

Vs.

UT OF J&K & OTHERS

...RESPONDENT(S)

Through: - Mr. Faheem Nisar Shah, GA

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) The petitioners, through the medium of present petition, have sought a direction upon the respondents to pay them the arrears of salary with effect from 12/1998 to 26.10.2007. A further direction commanding the respondents to give the benefit of order dated 29.05.2019 passed by this Court in CPSW No.718/2017 by releasing the salary in favour of the petitioners for the aforesaid period, has also been sought.

2) The facts emanating from the pleadings of the parties are that the petitioners were ex-employees of the Jammu and Kashmir Cooperative Consumer Federation Limited

(CONFED) which was wound up in the year 1999 in terms of Cabinet decision dated 15.07.1999. The said decision provided for winding up of the CONFED and it was also stipulated that the employees would be suitably adjusted. The department was directed to submit a detailed proposal at the earliest. Another Cabinet decision was taken on 24.04.2002 and it was decided that a Golden Handshake Scheme for Cooperative institutions should be financed from sale of their assets and government funding would not be available for this purpose. Accordingly, the Divisional Commissioners of Jammu and Kashmir were asked to evaluate the assets of the Apex Cooperative institutions and submit a report to the Government.

3) It is case of the petitioners that despite a series of meetings having been held by the officers of the Government with the employees, the grievances of the employees were not redressed and this prompted the employees including the petitioners to file a writ petition bearing SWP No.1839/199 before this Court. The said writ petition came to be decided on 30.09.2005, with the following directions:

“1) The Government shall implement the Cabinet Decision No. 109/12 dated 15.07.1999 and for that purpose should constitute a committee of officers within a period of one month from the date copy of the order is served on the respondents.

2) The committee so constituted shall look into the suitability of the petitioners for their permanent

adjustment in the Govt. Department. The committee shall find out as to whether the petitioners were suitable for their adjustment in the Govt. department i.e. whether they fulfil the other conditions such as qualification, health conditions, permanent residence etc. for Govt. employment. Those who are found suitable, should be offered posts commensurate with their qualification and the pay scale which they were holding in the CONFED. Those not found suitable for government job due to lack of qualification or any other reasonable cause shall be offered the Golden Handshake and for that purpose scheme be formulated within a period of three months from the date of the order is served on the Respondents.

3) Those employees of the CONFED who have at any stage accepted the offer or asked for the Golden Handshake Scheme shall be given the benefit of the same and modalities thereof shall be formulated within three months from the date this order is served on the respondents. With these observations the writ petition is disposed of."

4) The aforesaid judgment came to be challenged by the Government of Jammu and Kashmir by way of LPA No.294/2005 and the same was disposed of on 08.05.2006, in terms of the following directions:

"We, accordingly, dispose of this appeal by providing that the report submitted by the Committee constituted by appellants in compliance to the impugned Writ Court judgment shall be placed before the Cabinet within two months from the date..."

5) It is submitted that after passing of aforesaid direction by the LPA Bench, respondent No.5 issued communication dated 12.01.2007, spelling out the details of the employees and modalities of the Golden Handshake Scheme. The petitioners apprehended that the respondents may, under the pretext of the petitioners having accepted the Golden Handshake Scheme, deny relief to them, therefore, they filed

another writ petition bearing SWP No.449/2007 before this Court seeking settlement of their grievances in terms of Cabinet order dated 15.07.1999. This Court, vide judgment dated 06.06.2008, while noticing that there was a mention of Golden Handshake Scheme in the Government orders and correspondence preceding the said orders but as a matter of fact, no scheme had by then or for that matter till 30.09.2005, when the earlier writ petition came to be disposed of, been formulated to spell out the content and contours of the proposed Golden Handshake Scheme, observed that till 20.01.2007, nothing like a Golden Handshake Scheme was in existence that could have been offered to the employees of the CONFED at any stage prior to the disposal of their earlier writ petition. It was held that the stand of the respondent department that 117 employees of CONFED had already accepted Golden Handshake Scheme offer appears to be bogus as no such scheme had ever been existing. The Court, accordingly, directed that the petitioners are required to be considered under the original Cabinet Order dated 15.07.1999 in supersession of all orders to the contrary, for adjustment.

6) In terms of the aforesaid judgment of this Court, the petitioners are stated to have been adjusted against the posts of Orderlies in the Labour Department in the year 2010

but effect to their appointment was given prospectively. It is the contention of the petitioners that they have not been paid salary with effect from December, 1998 to 26.10.2007 despite their adjustment in the Labour Department. It is the contention of the petitioners that they are entitled to similar relief as has been granted to the writ petitioners of WP(C) No.683/2023 and SWP No.812/2008, which has been upheld by the Division Bench and the Supreme Court. It has been further contended that the case of the petitioners is identical to the writ petitioners of SWP No.812/2008, who, by virtue of order dated 29.05.2019 passed in CPSW No.718/2017 as upheld by the Supreme Court, have been paid salary for the period intervening between winding up of CONFED and their adjustment in the Government Department.

7) The respondents, in their objections, have not disputed the factual aspects regarding litigation between the petitioners and other erstwhile employees of the CONFED on the one side and the respondents on the other side. They have, however, claimed that the payment of idle wages to the petitioners cannot be justified under any circumstances. The stand of the respondents is that from the year 1999 when the CONFED was wound up till absorption of the petitioners with the Government Department, they were not on the rolls

of any institution or the Department, as such, they have not earned any wages for this period. It has been contended that if the claim of the petitioners is allowed, it would result in administrative problems besides opening a flood gate for such requests from other employees of other Cooperative Institutions. According to the respondents, the services rendered by the petitioners with an autonomous institution having its own bye-laws cannot constitute a part of service with the Government. According to the respondents, the claim of back wages made by the petitioners is not tenable as the whereabouts of the petitioners during the period for which wages are being claimed were not known.

8) I have heard learned counsel for the parties and perused record of the case.

9) The factual aspects of the case are not in dispute. The petitioners were ex-employees of the CONFED who have been absorbed in the Labour Department after the winding up of CONFED in the year 1999. The only issue is as to whether the petitioners are entitled to wages and other service benefits for the period intervening between winding up of the CONFED and their absorption in the Government Department. This aspect of the matter has been the subject matter of litigation of similarly situated employees before this

judgment has been upheld by the Division Bench of this Court and the Special Leave Petition against the said judgment has been dismissed by the Supreme Court. The writ petitioners of the said petition were compelled to file a contempt petition bearing CPSW No.718/2017, in which an order came to be passed by this Court on 29.05.2019 clarifying that the writ petitioners therein are entitled to arrears of salary which are admissible to them upon their placement in the grade in which they were working in the CONFED with effect from December, 1998 to 26th October, 2007. The Supreme Court, while deciding the Special Leave Petition against the said order, not only upheld the same but it also monitored the payment of arrears of salary to the petitioners therein.

10) Another writ petition bearing WP(C) No.683/2023 was filed by another set of ex-employees of the CONFED and the same came to be allowed by this Court in terms of judgment dated 02.08.2024 read with order dated 28.05.2025. In the said judgment, the respondents were directed to determine the exact period for which the salary of the petitioners therein had remained unpaid due to winding up of CONFED and after ascertaining the date upto which the petitioners therein had received the salary as employees of the CONFED, the respondents were directed to disburse the

arrears of unpaid salary upto the date the petitioners therein were absorbed in different posts borne on the cadre of the Government.

11) Having regard to the fact that the petitioners herein are similarly situated with the petitioners in WP(C) No.683/2023, as such, a similar direction deserves to be passed in their favour. Accordingly, the writ petition is disposed of with a direction to the respondents to determine the exact period for which salary of the petitioners has remained unpaid due to winding up of the CONFED. After ascertaining the date upto which the petitioners have received salary as employees of the CONFED, the respondents shall disburse the arrears of salary upto the date the petitioners were absorbed in different posts borne on the cadre of the Government. The aforesaid exercise shall be undertaken and completed by the respondents within a period of three months from the date a certified copy of this order is served upon them.

(Sanjay Dhar)
Judge

Srinagar,
05.11.2025

“Bhat Altaf-Secy”

Whether the order is reportable: **Yes/No**