

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Pronounced on : 22.04.2026
Uploaded on : __.04.2026

WP(C) No. 990/2026

Bahibullah Shan

.....Petitioner

Through: Mr. Swaran Kishore Singh, Advocate

Vs

UT of J&K & Ors.

.....Respondents

Through:

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(22.04.2026)

- 01.** Before coming up with this writ petition, the petitioner had first approached this Court with a writ petition **WP(C) No. 3576/2019** which came to be disposed of by virtue of an order dated **20.05.2024** with a direction to the writ respondent-Commissioner/Secretary concerned to consider the case of the petitioner in accordance with the provisions of law and pass an appropriate order thereupon.
- 02.** In compliance to said direction of the writ Court in **WP(C) No. 3576/2019, Government Order No. 68-JK(Coop)**

of 2024 dated 12.11.2024 came to be passed by the Secretary to the Government, Cooperative Department, Union Territory of Jammu and Kashmir.

- 03.** In this Government order, it has come to be recited that there is no record with respect to the claim and services of the petitioner mentioned/found in the Liquidator's report both physical/financial and other liabilities of erstwhile JAKFED submitted to the Government and further that despite a public notice issued by the Liquidator way back in March 2020 and May 2020 inviting all the stakeholders to lodge their claims against JAKFED along with documentary evidence in support of claim, the petitioner did not come forward to furnish or lodge any claim before the Liquidator-JAKFED.
- 04.** In the light of the aforesaid scenario with the petitioner being found as a 'non-entity' vis-à-vis JAKFED, the claim of the petitioner was rejected.
- 05.** The petitioner is said to have approached the Central Administrative Tribunal, Jammu Bench with an **O.A. No. 1378/2025 (Jammu)** which came to be dismissed as withdrawn on account of the fact that the Central Administrative Tribunal is lacking jurisdiction with

respect to the purported service claim of the petitioner. Order dated **26.02.2026** came to be passed by the Central Administrative Tribunal, Jammu Bench.

06. It is the aforesaid backdrop that the petitioner is coming forward with the present writ petition seeking writ of mandamus unto the respondents to assess and calculate the arrears of the salaries of the petitioner since **April 2008** till date of his superannuation **i.e., 28.02.2017** and all other retiral benefits and further to make said payment at the rate of 20% per annum interest and also damages of **Rs. 50 lakhs**.

07. Learned counsel when queried by this Court that how in the face of **Government Order No. 68-JK(Coop) of 2024 dated 12.11.2024** bearing a recital therein to the extent and effect that as per the record of the Liquidator of JAKFED, the petitioner is not finding his name mentioned to substantiate the petitioner's position as a former/ex-employee of JAKFED, this Court can entertain the petitioner's writ petition, the learned counsel for the petitioner submits that the petitioner needs not to challenge **Government Order No. 68-JK(Coop) of 2024**

dated 12.11.2024 and, thus, can insist for the writ of mandamus in the manner as has been solicited.

08. Learned counsel for the petitioner submits that the prayer impliedly hits the **Government Order No. 68-JK(Coop) of 2024 dated 12.11.2024**.

09. There is an apparent contradiction in what the petitioner pleads in the petition and what he prays in the petition. The opening para of the writ petition is impugning the **Government Order No. 68-JK(Coop) of 2024 dated 12.11.2024** whereas in the prayer part the said order is not being asked to be quashed and a direct plea for writ of mandamus for release of arrears of salaries of the petitioner from **April 2008** till date of superannuation has been made.

10. This is a clever drafting on the part of the counsel for the petitioner being in full realization that if the **Government Order No. 68-JK(Coop) of 2024 dated 12.11.2024** would be impugned in the prayer part, then the delay and latches involving the period of more than 1 year if not from April 2008 would come in the way of the petitioner notwithstanding the fact that the petitioner was wasting his time before the Central Administrative

Tribunal, Jammu Bench with respect to a Cooperative Society employment which by no stretch of imagination was to count as falling within the jurisdiction of the Central Administrative Tribunal for adjudication of service related dispute.

11. On the aforesaid factual scenario, the writ petition of the petitioner is held to be **misconceived** by particular reference to the fact that there is an omission on the part of the petitioner in assailing the **Government Order No. 68-JK(Coop) of 2024 dated 12.11.2024.**

12. The writ petition is, accordingly, **dismissed** limine.

JAMMU
22.04.2026
SUNIL

Whether the order is speaking ? : Yes/No
Whether the order is reportable ? : Yes/No