

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

CPSW No. 297/2015 in  
SWP No. 965/2015

Sushila Devi Jamwal

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

Through: Mr. Rajveer Singh Isher, Advocate vice  
Mr. K. Nirmal Kotwal, Sr. Advocate

**Vs**

Subra Manimam, Accountant General and  
others

..... Respondent(s)

Through: Mr. Suneel Malhotra, Advocate

**Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**

**ORDER**  
**21.07.2026**

1. The instant contempt petition arises out of the order/judgment dated 06.04.2015 passed by the learned Writ Court, whereby the writ petition preferred by the petitioner, registered as SWP 965/2015, was disposed of in the following manner:

**“In view of the rule position that the employees paid from contingent fund are entitled to pensionary benefits, I deem it proper to dispose of the writ petition by providing that respondent No. 7 shall consider the case of the petitioner for grant of pensionary benefits having regard to SRO 328 dated 24.11.1998 and the Circular issued by the Finance Department on 29.12.1995, of course, in terms of the rules occupying the field. Let this exercise be completed within a period of one month from the date a copy of this order is served upon the respondents by the petitioner.”**

2. Since the aforesaid order was not complied with, the instant contempt petition was preferred, wherein notice was issued on 22.12.2016. The respondents have filed a detail statement of facts, wherein they have taken a specific stand, which, for the facility of reference, is reproduced as under:

**“That the answering respondent No. 3 has submitted pensioner’s case to respondent No. 4 (Accountant General A&E) in contempt petition for pensionary benefits and the respondent No. 4 has sought certain information/documents from respondent No. 4 (in writ petition). It is further submitted the information/record available with the respondent No. 3 had already been submitted to respondent No. 4 herein. It is submitted that the State Mission Direction ICDS J&K vide No. SMD/ICDS/2015/12744-46 dated 14.10.2015 has intimated that Anganwadi Workers prior to their appointment as supervisors are honorary workers and their honorary work is not treated as service to count for pensionary benefits. As such, the provision as contained in Article 177-A and explanation there under of J&K CSR-Vol. 1 are not applicable to Anganwadi Workers. Copy of the letter dated 14.10.2015 is enclosed herewith and marked as Annexure R-1. It is further submitted that the case has already been taken up with the Finance Department by the Principal Accountant General, J&K Jammu and the Finance Department vide its letter No. SWP/Acctts/C.C/2015 dated 01.09.2015 has intimated that Anganwari Workers prior to their appointment as Supervisors are honorary workers and their honorary work is not treated as Service to count for pensioner benefits. As such, the provisions as contained in Article 177-A and explanation thereunjder of J&K CSR-Vol. 1 are not applicable to Anganwari Workers.**

**Copy of the letter dated 01.09.2015 herewith and marked  
as Annexure R-2.”**

3. While filing the aforesaid statement of facts the respondents have relied upon the communication dated 14.10.2015, whereby the Joint Director, State Commission Directorate, ICDS, J&K, conveyed in unambiguous term to the Accountant General that Anganwari Workers, on their appointment as Supervisors, continue to remain workers and that their honorary service is not treated as regular service, though it is counted for pensionary benefits. As such, the provisions contained in Article 174-A and the Explanation thereunder in J&K CSR, Volume I, are not applicable to Anganwadi Workers.
4. Pursuant to the aforesaid communication, the Director, Finance, Social Welfare Department, conveyed to the Deputy Director ICDS, Jammu, that the case of the petitioner had been taken up with the Finance Department through communication dated 01.09.2015 addressed by the Principal Accountant General, J&K, Jammu. The Finance Department, while relying upon the aforesaid communication dated 14.10.2015, intimated that Anganwari Workers, prior to their appointment as Supervisors, are honorary workers and that their honorary service is not treated as regular service, though it is counted for pensionary benefits. Therefore, the provision contained in Article 177-A and the Explanation thereunder in the J&K CSR is not applicable to Anganwari Workers.
5. Having regard to the order/judgment passed by the learned Writ Court, the stand taken by the respondents in the aforesaid statement of facts, and the material placed on record, this court is of the considered view that

respondent No. 7 was under a legal obligation to consider the case of the petitioner for grant of pensionary benefit in terms of the relevant SROs and circulars governing the field. Such consideration has been dully accorded by the respondents, as is evident from the communications placed on record along with the statement of facts. Accordingly, this Court is satisfied that the order/judgment passed by the learned Writ Court stands complied with in its letter and spirit, and no case of contempt is made out. Therefore, the proceedings in the instant contempt petition, according to Mr. Suneel Malhotra, learned GA appearing on behalf of the respondents, are liable to be dropped.

6. In view of the above, the proceedings in the instant contempt petition are closed and the rule, if any, shall stand discharge. However, disposal of the instant contempt petition shall not come in the way of the petitioner, if so advised, from agitating the cause afresh by way of appropriate proceedings calling in question the aforesaid communications.
7. Accordingly, the instant contempt petition stands ***disposed of***.

**(Wasim Sadiq Nargal)**  
**Judge**

Jammu  
21.07.2026  
Nikhil