

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

(Through Virtual Mode)

LPA No. 20/2026 in
SWP No. 1451/2013

**Ghulam Rasool Parray and
another**

.... Petitioner/Appellant(s)

Through:- Mr. M. Ayoub, Advocate with
Ms. Mahajabeena, Advocate

V/s

**State (now UT) of J&K and
others**

.....Respondent(s)

Through:- Ms. Sana Imam, Advocate

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE**

ORDER
30.09.2026

1. The facts which remained uncontroverted between the parties are that the appellants were engaged by the respondent-Board, admittedly between 2008-2010, and were disengaged from their temporary appointments by a common order dated 02.01.2013. Since then, the appellants are not in service and, despite an order of status quo having been passed, they have remained out of service, as before the order could have operated, they were already disengaged. The counsel for the appellants has vehemently submitted that the respondents have discriminated against such employees who were engaged as casual workers by disengaging them by a common order, even when they sought to take work out of them as and when required. The counsel has also drawn attention of this Court to the judgments titled "*Jaggo vs. Union of India*" 2024 INSC 1034, and

“State of J&K and others Vs. Mushtaq Ahmad Sohail and others”, 2012 (4) JKJ 1051. The counsel submits that the modus operandi of need-based casual employment/temporary employment is nothing but exploitation of such workers, who are used for discharging the daily functions of the respondents. The counsel for the respondents submits that they are not having any kind of regular work, but seasonally they need daily wage workers who are kept as coolies and peons, without prejudice to their right to continuation, and such casual/seasonal labourers are disengaged whenever the task in question no more subsists.

2. The counsel for the respondents also submitted that such casual labourers could not be entitled for any kind of relief from this Court. However, she fairly submits that in paragraph 6 noted in the impugned order, the respondents have given an affidavit of re-engaging the casual labourers whenever the need arises. Paragraph 6 of the impugned order reads as follows.

“...6. Joint Secretary, J&K State Board of School Education, Srinagar, submitted affidavit in compliance to the order dated 22nd July 2015. He states that respondent-board has no set policy for engaging casual labourers. The board required services of labourers for doing menial jobs as per requirement particularly in the Textbook Section for uploading and unloading of textbooks during sale season and in Secrecy Section for lifting of sealed answer scripts packets during Examination and evaluation period. For this purpose, concerned section hire services of labourers on contingency basis only for a particular period after seeking prior approval from authorities. It is also stated in affidavit that Government has imposed ban on engagement casual/ seasonal labourers as is reflected by its order no.43-F of 2015 dated 17th March 2015, issued by Principal Secretary to Government, Finance Department. Respondent-Board has already vide order

no.02-B of 2013 dated 2nd January 2013 disengaged with immediate effect all coolies/ contingency paid workers/labourers who were working in various sections/ sub/branch offices of Board. No order for their engagement has been issued by respondent-board since then. However, respondent board requires services of labourers on contingency basis for discharging menial job involving labour work for which services of all such persons who are in que are being hired on seasonal basis. It is also stated in affidavit that petitioners are at liberty to work as labourers as and when needed on the same analogy as others do without any claim for issuance of any formal orders for their engagement or continuation on regular basis and that documents produced by petitioners clearly indicate that payments have been made against labour and freight charges and no way depicts that any order of engagement of casual labourers/coolies has been issued by the board....”

3. This Court, looking into the fact that the appellants have merely served for five years or so and were engaged as coolies/labourers and contingency paid workers, commonly disengaged in 2013, finds that they could not fulfil the basic parameter of even ten years of continuous *ad hoc* appointment or any kind of other appointment which would bring them in purview of consideration in terms of the judgment rendered by the Hon’ble Apex Court in “**Secretary, State of Karnataka and others v. Umadevi and others**”, (2006) 4 SCC 1.
4. It is also not a case where the employees are discharging prolonged functions for prolonged periods all around the year, as it could be open for consideration to accommodate the employees if such regular job work was available. The respondents are need-based contingency paid workers and are engaged for task-based work as daily wagers/causal labourers, therefore, any kind of relief cannot be granted. However, while disposing

of the present appeal, we direct that if the appellants approach the respondents and there is a work-based need for casual labourers or any work on temporary status suitable to the appellants, the same shall be considered strictly in accordance with law, as well as the affidavit given by the Joint Secretary, J&K State Board of School Education, Srinagar.

5. **Disposed of** in the manner indicated hereinabove.

(Sindhu Sharma)
Judge

(Dr. Pushpendra Singh Bhati)
Chief Justice

Jammu:
30.09.2026
SHAFQAT

