

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

Date of Pronouncement: 25.02.2026

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CCP(S) No.25/2025 in WP(C) No.3026/2023

MOHAMMAD RAFIQ AND ORS. ...Petitioner/Appellant(s)

Through: Ms. Ayshia Shakeel Zahgeer, Advocate.

Vs.

MOHAMMAD AJAZ ASAD ...Respondent(s)

Through: Mr. Allau din Ganie, AAG.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER (ORAL)

25.02.2026

WP(C) No.3026/2023

1. In the instant petition, petitioners herein have sought quashing of disengagement order dated 06.04.2023 besides seeking a direction upon the respondents for release of their salary w.e.f. 24.06.2022 to 31.03.2023 as also the travelling allowances from the date of the engagement i.e 23.06.2021 till subsistence of the engagement.

2. The aforesaid reliefs have been prayed by the petitioner on the premise that they came to be engaged by the respondents under Cluster Facilitation Project on contractual basis as State Project Officer in terms of order dated 23.06.2021 on monthly salary of Rs. 1.00 lac in addition to the travelling allowance at the maximum rate of 10% of emoluments based on actual bills and that such engagement of the petitioner was made in the aegis of MGNREGS i.e. "Mahatma Gandhi National Rural Employment Guarantee Scheme" and while working as such the petitioners came to be

disengaged in terms of order dated 03.04.2023 w.e.f. 31.03.2023 despite the fact that life of the project had been extended till 31.03.2023 and that even the salary of the petitioners w.e.f. 24.06.2023 till 31.03.2023 for which the period, the petitioners rendered their services as also other allowances was not paid to them, necessitating the filing of instant petition.

3. Objections to the petition have been filed by respondents wherein it is being admitted that the petitioners herein came to be engaged on contractual basis and subsequently disengaged vide order 06.04.2023 on the expiry of their term of contractual appointment, however, the respondents have not denied the payment of salary claimed by the petitioners in the objections.

4. A contempt petition has also been filed by petitioners being CCP(S) No.25/2025 alleging violation of interim order dated 22.11.2023 whereby the respondents came to be directed to consider the release of salary of the petitioners for the period they have worked, and in response to the said contempt petition, a statement of facts has been filed by respondents/contemnors wherein it is being, *inter alia*, stated that requisition for providing of funds to the tune of Rs.34.28 lacs has been made by the respondents/contemnors before the Director, Mahatma Gandhi National Rural Employee Guarantee Act, Department of Rural Development, Government of India, Kartavya Bhawan, New Delhi, and that the respondents/contemnors undertake that salary of the petitioners shall be released as soon as the said funds are released by the said Ministry.

Heard counsel for the parties and perused the record.

5. According to counsel for the petitioner, notwithstanding the challenge thrown to the disengagement order dated 03.04.2023, main writ petition can be disposed of as also contempt proceedings closed, in view of the fact that

Scheme under which the petitioners came to be engaged by respondents has outlived its life and thus provides no scope for continuation of the petitioners in the service with the respondents and that the entitlement of salary of the petitioner since stands admitted by the respondents in the statement of facts filed to the contempt petition, the respondents be bound down to release the same within some stipulated period.

6. The counsel for the respondents is not averse to the disposal of the main petition as also the accompanying contempt petition as is sought by counsel for the petitioners.

7. In view of aforesaid position obtaining in the matter, the instant writ petition is disposed of with a direction to the respondents to effectively consider the case of the petitioners for release of salary for which they are entitled thereto along with all allowances within a period of 8 weeks from the date a copy of this order is produced by the petitioners before the respondents.

8. In view of disposal of the main petition as above, proceedings in the aforesaid contempt petition as well shall stand closed.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

25.02.2026

Ishaq

Whether the order is speaking ?
Whether approved for reporting ?

Yes/No
Yes/No