

S. No. 61

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

WP(C) 1483/2021
 CM(5031/2021)

Date of pronouncement 26-02-2026

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SUHEEL GANI AND OTHERS

...Petitioners

Through: Ms. Syed Ainain Qadiri, Advocate.

Vs.

UNION OF INDIA AND ORS. (PERSONNEL AND TRAINING)

...Respondents

Through: Mr. T M Shamsi, DSGI with
 Ms. Beenish, Advocate.
 Mr. Arshid Ahmad, Advocate.
 Mr. Shahbaz Sikander, Advocate.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER (ORAL)

26.02.2026

1. The petitioners in the instant petition, have prayed for the following reliefs:

- a) The respondent no. 5 may be directed to follow the orders and instructions issued by the respondent nos. 1 and 2 with regard to release of special concessions/facilities like Messing facilities and per Diem Allowance as being provided to the other Central Government Employees working in the Kashmir Valley.
- b) The respondents may be directed to restore the special concessions/facilities to the employees of Central University of Kashmir with effect from April 2017, from the date it has been withheld by respondent no. 5 on the same pattern as is being paid to the employees of National Institute of Technology, Srinagar, and Maulana Azad National Urdu University, Srinagar.
- c) The Respondent-University may be further directed to release the arrears without any deductions forthwith that have accrued or accrue along with interest @ 18% till final realization.

2. The facts under the shade and cover of which the aforesaid reliefs have been prayed and as are stated in the petition are that the petitioners are employees of Central University of Kashmir and that the Government of India, Department of Personnel and Training, New Delhi, issued Office Memorandums dated 15.03.2014 followed by 17.02.2014 and 26.12.2017, the lastly on 14.10.2020 providing for the grant of various incentives/allowances to the Central Government Employees working in Kashmir Valley and that the payment of such incentives/allowances was even extended to all Ministries/Departments of the Central Government across board including employees of the Public Sector Undertakings working in the Kashmir Valley and that since the petitioners are working in the Central University of Kashmir being under the direct control of the Central Government, as such, were paid such incentives/allowances by the Respondent/University in terms of Order No. CUKmr/Admin/F.No165/12/460 dated 05.03.2012, yet the Respondent/University subsequently stopped the payment of the said incentives/allowances to the petitioners purportedly pursuant to the directions of the Respondent 1 and that the Respondent 1 even issued an Office Memorandum on 08.01.2019 wherein a note came to be appended thereto providing that the incentives/allowances shall be payable to the Central Government Employees including those with Temporary Status/Casual Labourers in terms of the Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India 1993, and that the petitioners thereafter approached the Respondents and submitted series of representations

for continuing the release of the said allowances/incentives and also sought parity in this regard with the employees of National Institute of Technology, Srinagar and Maulana Azad National Urdu University, Kashmir Campus, as well as Department of Council of Scientific and Industrial Research, Srinagar (ICAR-Central Institute of Temperate Horticulture, Srinagar), the employees of which Institute and University as well had been extended the benefits of said incentives/allowances, yet the Respondents in general and Respondent 5 in particular withheld the payment of the said incentives and allowances to the petitioners and in the process of discriminated the petitioners.

Heard counsel for the parties and perused the record.

3. Learned counsel for the petitioners while making her submissions placed reliance upon the judgment rendered by the Division Bench of this Court in case titled as ***Union of India v. Manzoor Ahmad Shah*** [LPA No. 227/1996], wherein it has been observed that the Special Allowances are compensatory in nature and are intended to mitigate the hardship and working conditions in the Valley and that where such hardship is geographic and common to all employees similarly placed, the State cannot extend the benefit to one department while denying it to another, as such, a selective treatment would violate Article 14 of the Constitution.
4. Reply to the petition has been filed by the respondents 1 to 3, wherein the petition is being opposed on the premise that as per approved policy guidelines special concessions/facilities are applicable to the

Central Government Employees working in Kashmir Valley including PSUs falling under the Central Government and that there is no mention of extension of such facilities/concessions to the employees of Autonomous/Statutory Bodies.

5. Reply to the petition has also been filed by respondent 5, wherein it is being admitted that the petitioners being the employees of the University were granted incentives/special allowances from 2012 till March, 2017, however same came to be stopped pursuant to a clarification furnished by the Ministry of Education, Government of India to the University stating further that as per the said clarification, there is no mention of extending these incentives/special concessions to the Autonomous/ Statutory Bodies and since no clear cut clarification was received from the Ministry, the University was not in a position to release the same in favour of the petitioners although the allowances/incentives are being paid to the employees of the Public Sector Undertakings as well.
6. A perusal of the record available on the file tends to show that the respondents 1 to 3 have admittedly extended the grant of incentives/ allowances not only to the Central Government employees but also to Public Sector Undertakings. It is not being denied by either Respondents 1 to 3 or Respondent 5 that such allowances/incentives were granted and extended even to the employees of National Institute of Technology, Srinagar, inasmuch as Maulana Azad National University, Kashmir Campus as also to the employees of the Central Institute of Temperate Horticulture (ICAR), Srinagar working in

Kashmir valley. It is also not in dispute that the Respondent 5 extended the grant of the allowances/incentives in question to its employees, petitioners herein, in the year 2012 and continued to extend the same till the March, 2017 and since the said incentives/allowances have been made extendable by the Respondent 1 to 3, besides, not only to the Central Government employees, the employees of Public Sector undertakings, but also to the employees of above, Autonomous Statutory Bodies viz., National Institute of Technology, Srinagar, ICAR, Srinagar and Maulana Azad National University, Kashmir Campus, therefore, the Respondents 1 to 3 cannot deny the extension of the said benefit to the petitioners through Respondent 5-University, in that the denial of the same to the petitioners under the direct control of Respondents 1 to 3 would amount to patent discrimination-a state of affairs affront to the concept of equality enshrined in Article 14 of the Constitution.

7. Viewed thus, for the aforesaid reasons the instant petition deserves to be allowed and is accordingly allowed in the following terms:
 - i) Respondents are directed to accord effective consideration to the claim of petitioners for grant of allowances/ incentives with effect from April, 2017 as are granted to Central Government Employees as also Public Sector Undertaking employees as well as employees of National Institute of Technology, Srinagar, Maulana Azad National Urdu University, Kashmir Campus and ICAR, Srinagar.

- ii) The aforesaid exercise be undertaken and concluded as expeditiously as possible, preferably within a period of six weeks from the date of a copy of this order is made available by the petitioners before the respondents.

8. **Disposed of** along with all connected CMs.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR
26.02.2026
Sarvar

