

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1338/2026
CM(3598/2026)
Caveat 1207/2026

UT OF J&K

...Petitioner/Appellant(s)

Through: Mr. Faheem Shah, GA

Vs.

FAYAZ AHMAD PEER & OTHERS

...Respondent(s)

Through: Mr. Z.A. Shah, Sr. Advocate with
Mr. A. Hanan, Advocate for Caveators

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

06.07.2026

Caveat No. 1207/2026

1. With the appearance of learned counsel for the Caveator, caveat stand discharged.

WP(C) No. 1338/2026 CM No. 3598/2026

1. Impugned in this writ petition filed by the Union Territory of Jammu & Kashmir, invoking the Article 226 of the Constitution of India is an order and judgment dated 23.04.2025 passed by the Central Administrative Tribunal, Srinagar Bench ["the Tribunal"] in TA No. 1320/2021 titled "*Fayaz Ahmad Peer & Ors. Vs. State of Jammu & Kashmir*", whereby the Tribunal has quashed the order dated 10th August, 2017 passed by the petitioner denying the respondents arrears of salary from the date of their initial absorption and directed the petitioner

Arif Jafar
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herein to calculate and pay the arrears of salary to the respondents by determining the differential amount between the pay last drawn in the erstwhile Milk Federation and the pay fixed upon absorption in the Animal and Sheep Husbandry Department, i.e, with effect from 20.07.2004.

2. Briefly stated the facts leading to the filing of this petition are that the respondents were the employees of the erstwhile Milk Federation, which was shut down in terms of the Cabinet Decision dated 20.02.2004. The employees of the erstwhile Milk Federation, including the respondents herein, were absorbed in the Animal and Sheep Husbandry Department of the Government of Jammu and Kashmir vide order dated 20th July, 2004.
3. At the time of their absorption, the respondents gave an undertaking and consented to their appointment in the lower grade but with the benefit of pay protection. When the respondents were placed in the lower pay scale and were not given the benefit of pay protection, they filed SWP 1321/2008 before this Court, which was disposed of vide order dated 24.10.2011 with a direction to the petitioner(s) herein to accord consideration to the claim of the respondents for pay protection in accordance with rules governing the matter.
4. An appeal preferred by the petitioner herein against the judgment of learned Single Judge also came to be disposed of, and the order of learned Single Judge was upheld.

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5. In compliance with the judgment dated 29.10.2015 passed by the Coordinate Bench of this Court in LPA No. 297/2011, the claim of the respondents was considered by the petitioner and sanction was accorded to the fixation of pay at the maximum of the pay band of Rs. 5200-20200+2400 as a one-time exemption. This was, however, with a rider that no arrears of any kind would be allowed and the fixation would only be notional from the period of their absorption and monetary only from the date of passing of the order. This consideration order became subject matter of challenge in SWP No. 2319/2017 filed before this Court, which on being transferred to the Tribunal, came to be registered as T.A No. 1320/2021. It is this T.A. which has been disposed of by the Tribunal in terms of the order impugned, holding that the benefit of higher pay scale granted by the petitioner prospectively shall be available to the respondents from the date of their absorption.
6. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the Tribunal is perfectly legal and does not call for any interference by us in the exercise of extraordinary jurisdiction vested under Article 226 of the Constitution of India. It is not in dispute that when the

employees of the erstwhile Milk Federation were absorbed in the Animal and Sheep Husbandry Department, they were assured pay protection, provided they accepted their appointment in the lower pay scale. The respondents submitted their undertaking in this regard and were accordingly adjusted against the posts lower than those they were holding in the erstwhile Milk Federation. They accepted the lower posts only on the clear assurance extended by the petitioner that they would be given the benefit of pay protection. It would, therefore, not be justified to deny them the benefit of pay protection right from the date that they were actually absorbed and appointed in the Animal and Sheep Husbandry in the lower posts. The Tribunal has rightly appreciated the issue and, having found no justification to give them the benefit of pay protection notionally from the date of absorption till the passing of the order, has allowed the T.A. by granting the relief prayed for. This Court finds no reason to differ from the view taken by the Tribunal.

7. This petition is found to be devoid of any merit and the same is accordingly **dismissed**.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:

06.07.2026

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