

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
LPA 220/2022**

STATE OF J&K AND ORS.

...Petitioner/Appellant(s)

Through: Mr. Mohsin Qadri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel
Vs.

ARSHID HUSSAIN DAR

...Respondent(s)

Through: Mr. Sajid Ahmad, Adv. vice Mr. M.Y. Bhat, Sr. Adv.

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE.**

ORDER

18.04.2026

1. This intra-court appeal by the State, now the Union Territory of Jammu and Kashmir, is directed against an order and judgment dated 26th April, 2018, passed by the learned Single Judge of this Court ["the writ Court"], in SWP No. 2658/2017, titled "*Arshid Hussain Dar Vs. State & Ors.*", whereby the writ Court has allowed the petition of the respondent herein and has directed the appellants herein to allow the respondent to continue as a Contingent Paid Worker and pay his legitimately earned wages.
2. 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 writ Court is perfect both in law and on facts and, therefore, does not call for any interference by us in this appeal.
3. Admittedly, the respondent was engaged as a Contingent Paid Worker in the year 2013, probably in lieu of his father having abandoned his job as a Sweeper due to serious ailment. He continued for some time, but his engagement was undone in the year 2014. This brought the respondent before this Court, and his continuation as a Contingent Paid Worker was protected. The first writ petition filed by the respondent herein, i.e., SWP No.

1519/2014, was ultimately disposed of with a direction to the appellants herein to pass a consideration order for his absorption as a CPW. The matter was considered, and in terms of the order impugned in the writ petition, the claim of the respondent for absorption as a CPW was rejected. This order of consideration was made subject matter of challenge by the respondent herein in SWP No. 2658/2017, which has been allowed by the writ Court in terms of the judgment impugned.

4. Indisputably, the respondent herein has been continuing since the year 2013 as a Contingent Paid Worker on a meager amount of Rs. 25/- per day. He is not a single person working in the Department. There are thousands of Contingent Paid Workers in different schools in the School Education Department working on a meager daily wage. It is not the case of the appellants that these Contingent Paid Workers were engaged after following any due process of selection. The Government has also come up with a policy to absorb such Contingent Paid Workers in the regular cadre of Class IV posts, which is reflected in the relevant recruitment rules of the School Education Department amendment in the year 2008.
5. Be that as it may, the view which the writ Court has taken in the given facts and circumstances is sound. The respondent, who has been continuing as a Contingent Paid Worker since the year 2013, cannot be thrown out after rendering services to the appellant-Department for more than 13 years. He is required to be treated at par with other Contingent Paid Workers in the School Education Department.
6. For the aforesaid reasons, we do not find it a fit case for interference with the judgment of the writ Court. The appeal is found devoid of any merit and the same is accordingly **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

18.04.2026

“ARIF”

