

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

CCP(S) 520/2022
CM(3239/2025) CM(5798/2025)

SAJAD QADIR AND ORS

...Petitioner(s)/appellant(s)

Through: Mr. S.A. Makroo, Sr. Advocate, with
Mr. Irfan Rasool, Advocate
Vs.

GIRIDHAR ARAMANE AND ANR

...Respondent(s)

Through: Mr. Faizan Ahmad, CGC.

CORAM:

HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

09-02-2026

1. In the instant contempt petition, the petitioners herein have alleged non-compliance of judgment and order dated 24.03.2022, wherein at paras 9, 10, and 17 being relevant herein following has been provided:

"9. The respondents have filed objections/reply in opposition to the writ petition. It has been stated that the Depot of 15 Corps Z receives stocks from base depots for distribution to the forward depots. There are 63 posts of permanent labourers but only 51 labourers are posted. Due to the deficiency of permanent labourers and due to excess workload on few days casual labourers are hired and they are paid as per the Nerrick rates fixed by the Government of India, Ministry of Labour and Employment from time to time. These casual labourers employed by the respondents have approached the Department for the payment of minimum pay @₹18,000/- plus D.A. w.e.f. 01.01.2016 as per the recommendation of the 7th Pay Commission. The office of the 15 Corps vide letter dated 03.07.2019 informed them that since the engagement of casual labourers is being done for work which is of causal or seasonal or intermittent in nature and the said work is not a full time work for which regular posts can be created, as such, they are not entitled to 'equal pay for equal work'.

10. This apart, the respondents have not assigned any reasons whatsoever for denying payment of 'equal pay for equal work' to the petitioners despite the fact that admittedly though they are being employed on daily wages they are working continuously for long

time and are discharging duties of the same nature as the regular porters or the seasonal porters of the Department.

17. In the aforesaid facts and circumstances, the writ petition is disposed of with the direction to respondent No.6, Commandant, 221 Coy Asc, Supply Type (G), BB Cantt. Srinagar C/o 56 APO to re-consider the matter of the grant of 'equal pay for equal work' to the casual labourers employed as porters in the light of the observations made above uninfluenced by its earlier order dated 03.07.2019 keeping in mind the various office memorandums referred to above or any other office memorandum which may be relevant and is placed before him and the observations of the Supreme Court in Yash Pal (Supra). The respondent no.6 shall consider and pass a speaking order in this regard within a period of three months from the date a copy of this order is produced before him by any of the parties."

2. Statement of facts has been filed by the respondents to the contempt petition accompanying with an order of consideration dated 29.12.2025, perusal whereof reveals that the respondents-contemnors though have had initially passed a consideration order on 10.05.2025, the said consideration order came to be withdrawn after passing of an order by this court in the instant contempt petition on 01.07.2025, on the ground that the said consideration had not been properly accorded.

3. Further perusal of the consideration order dated 29.12.2025 supra reveals that the respondents, while passing the same, have adverted to the judgment passed by the Apex Court in "Yash Pal's case" inasmuch as the employment conditions of the seasonal porters employed by the respondents in operational areas and consequently have concluded that the petitioners though employed by them, yet have been assigned the duties of loading and unloading of ration articles from the vehicles and placing the same in storage facility inside depot itself, being distant and different from duties/tasks assigned and discharged by seasonal porters who perform different duties in difficult conditions and terrains in forward areas prone even to the artillery shelling of the enemy, thereby suggesting that the petitioners are not entitled to the fixed monthly pay plus compensatory allowances paid and allowed to the said seasonal porters, in contrast to the duties assigned and performed by the petitioners as casual labourers working on daily wage basis, governed by

statutory wage notifications besides engaged only for sporadic seasonal tasks.

The respondents-contemnors have further stated that the engagement of such casual labourers on daily wage basis has been outsourced, engaged in terms of existing outsourcing procedure being a third-party contractor and paid by the respondents-contemnors for providing service of such casual labourers on monthly basis.

4. Having regard to the judgment and order, non-compliance of which is alleged in the instant contempt petition in general and in particular the observation made by the Court therein and referred in the preceding paras inasmuch as the specific stand taken by respondents Contemnors in the statement of facts coupled with the contents of the consideration order supra, seemingly the respondents-contemnors have complied with the judgment and order.

5. Accordingly, contempt notice issued is recalled and proceedings are closed with liberty to the petitioners to avail the remedy, if any, available under law against the consideration order dated 29.12.2025.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

09-02-2026

Junaid