

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**WP(C) 614/2021 CM(1846/2021)
CM(2655/2021) CM(2656/2021)**

PEERZADA SHABIR AHMAD AND ORS.

...Appellant(s)/Petitioner(s)

Through: Mr. N.A Beig, Sr. Advocate

Vs.

**UNION OF INDIA AND ORS. (HEALTH
AND FAMILY WELFARE)**

...Respondent(s)

Through: Mr. T.M Shamsi, DSGI with
Ms. Shugufta Maqbool, Advocate &
Mr. Faizan, Advocate
Ms. Waseem, Gul, GA

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

18.09.2025

1. By this petition, petitioners herein are seeking direction upon the respondents to calculate the amount of 10% of the basic salary of the petitioners, which they are entitled to, for their additional work beyond the population limit set for the establishment of Tuberculosis units/blocks in the notified areas in terms of the approved revised national strategic plan, as well as to pay the said calculated amount to the petitioners from the date they are entitled to, in terms of the approved revised National Strategic Plan.

Factual Matrix:

2. The revised National Tuberculosis Control Programme (herein after referred to as "RNTCP") has been functioning in Jammu and Kashmir since 2004. The services of the employees are being hired on contractual basis as per the guidelines framed by Government of India and the selection is made by conducting interview of the candidates who apply in

terms of the advertisement notice and after their selection, they are accordingly engaged.

3. It is stated that the scheme is launched by the Government of India, run by the Government of Union Territory of Jammu and Kashmir and financed by the Central Government to eradicate and control the Tuberculosis in all the States of the Country.

4. The revised National Tuberculosis Control Programme has been functioning in Kashmir since 2004 and the petitioners were engaged on contractual basis in 2004, 2005 and 2017 respectively, only after having duly selected by a selection board, constituted by the Health Department of Union Territory of Jammu and Kashmir.

5. It is stated that the Government of India approved the Revised Financial Guidelines for all the states and districts, which govern the service conditions of the employees engaged under National Tuberculosis Control Programme. The Government of India has released National Strategic Plan 2012-2017 in 2013 and RNTCP activities have to be carried out strictly in accordance with this plan.

6. It is further stated that the petitioners have been engaged and working in the notified areas and have been performing their duties to cover the population that goes beyond the limit set by the aforesaid plan and they in-terms of the approved guidelines have to be paid additional amount of 10% of their basic salary. As per the guidelines, additional amount of 10% of the basic salary is to be paid to the employees in case of performance of their duties, in addition to their assigned duties due to vacancy or leave or otherwise due to absence of the staff.

7. The petitioners have time and again approached the respondents for the payment of the additional amount, but till date no heed has been paid to the representation of the petitioners.

8. Learned counsel for the petitioners states that petitioners would feel satisfied if the instant petition is disposed of at this stage, with a direction to the respondents 3 to 5 to accord consideration to the claim of the petitioners for the release of 10% basic salary, within some reasonable time frame, to which the learned counsels appearing for the respondents have no objection, provided the same is directed to be accorded strictly in accordance with the rules and as per law occupying the field.

9. Be that as it may, the instant petition is taken up for final disposal at this stage and is accordingly disposed of with a direction to the respondents 3 to 5 to accord consideration to the claim of the petitioners for the release of 10% basic salary of the petitioners, for their additional work beyond the population limit set for the establishment of Tuberculosis units/blocks in the notified areas in terms of the approved revised National Strategic Plan and decide the claim of the petitioners within a period of two months from the date of receipt of copy of this order along with copy of writ petition and annexures appended thereto, by passing a speaking order, strictly in conformity with the rules/guidelines and as per law occupying the field.

10. Disposed of.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:

18.09.2025

“Adil Ismail”