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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8420/2019

MOHAN LAL

.....Petitioner

Through: Mr. Amarish Chandra Tiwari,
Advocate

versus

THE CHIEF SECRETARY, GOVT OF J & K & ORS.

.....Respondents

Through: Mr. G.M. Kawoosa, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **24.09.2025**

1. The original writ petitioner was in the service of the Office of the Principal Resident Commissioner of the Government of Jammu & Kashmir ["J&K"] in New Delhi ["the Resident Commission"]. He was engaged in the said office as a "*Table Boy*", by an order dated 10.07.1981, with effect from 23.09.1987. He attained the age of superannuation on 31.07.2018.
2. By way of the present writ petition, he seeks implementation of a decision of Government of J&K dated 24.01.2012, under which he claims entitlement to an additional 2.5 days pay and dearness allowance per month.
3. I have heard Mr. Amarish Chandra Tiwari, learned counsel for the petitioner, and Mr. G.M. Kawoosa, learned counsel for the respondents.
4. The order dated 24.01.2012, upon which the petitioner relies, was issued by the Hospitality and Protocol Department, Government of J&K, Jammu ["H&P Department"]. It grants sanction for 2.5 days' pay and dearness allowance in favour of certain categories of employees of the H&P Department, who were required to perform duties on off days and



Sundays, on roster basis. It is undisputed that the post of “*Table Boy*” falls within the list of said posts to which the benefit was extended.

5. The conditions stipulated in the said order included the following:

“The rosters shall be maintained in proper format as in vogue of Health Services and Medical Education Department.”

6. The petitioner first filed W.P.(C) 8130/2017 before this Court for this very relief, which was disposed of by order dated 12.03.2018, directing that the said writ petition be treated as a representation.

7. The representation was decided by the respondent’s order dated 08.10.2018. It was stated therein that a representation had been received from the J&K Non-Gazette Employees Welfare Association for extension of the benefits conferred by the order dated 24.01.2012 to employees of the Resident Commission. Although the Principal Resident Commissioner had recommended in favour of employees, the Finance Department was not agreeable to the proposal. While the issue was pending resolution before the Chief Secretary, J&K, the Court order dated 12.03.2018 was received alongwith a representation of the petitioner dated 19.03.2018. It was further stated that the petitioner was appointed on *ad-hoc* basis in the year 1981 by the Resident Commission, and continued to be an employee of the Resident Commission, until his superannuation on 31.07.2018. The representation was ultimately rejected, on the ground that the decision of the Government of J&K dated 27.01.2012 was applicable only to the employees of H&P Department, and the petitioner was therefore ineligible. The order also states that a similar representation by another set of employees was rejected by the Administrative Department, Government of J&K, on 14.07.2015, despite the recommendation of the Principal Resident Commissioner in their



favour.

8. In the meanwhile, the petitioner had also filed a contempt case [CONT.CAS.(C) 625/2018], alleging violation of the order of this Court. The contempt petition was dismissed as withdrawn on 20.02.2019, with liberty to avail other remedies as available in law. This has led to the filing of the present petition.

9. Having heard learned counsel for the parties, I am of the view that the petitioner has not made out a case for interference of the writ Court. The order dated 08.10.2018 clearly states that the petitioner was not an employee of the H&P Department, but of the Resident Commission, and the said factual position is not contested. In the decision dated 24.01.2012, the benefit of 2.5 days' pay and dearness allowance has been granted only to certain categories of employees of the H&P Department. The petitioner was, therefore, not entitled to the benefit.

10. Mr. Tiwari points out that, after the petitioner's retirement on 31.07.2018, the respondents have issued an order dated 05.03.2019, extending the same benefit to various categories of employees of the Resident Commission. I am afraid this too cannot be of much assistance to the petitioner, as the order was issued after he retired, and would only be effective from the date of issuance. The decision dated 05.03.2019 was admittedly prospective, and none of the employees at the office of the Resident Commission, were granted the benefit with effect from 27.01.2012, but only from the date of the notification extending it to them.

11. It may further be noted that one of the conditions for grant of the benefit in question is that the department should maintain a roster in proper format, in accordance with the practice of Health and Medical



Education Department. This position also indicates that retrospective effect cannot be accorded to the circular dated 05.03.2019.

12. In the counter affidavit to the writ petition, the respondents have also specifically stated that the petitioner used to avail compensatory holiday against the duties performed on gazetted holidays in the past. This has not been denied in the rejoinder filed by the petitioner.

13. In summary, the decision of the respondent was originally applicable only to employees of the H&P Department. Although the Principal Resident Commissioner sought extension of the benefit to the employees of his office, the Finance Department, Government of J&K, did not agree. By the time the matter was resolved and the benefit was extended to employees at the Resident Commission, the petitioner had unfortunately attained the age of superannuation. I, therefore, do not discern any arbitrariness in the decision of the respondent, denying him the same benefits, so as to warrant interference under Article 226 of the Constitution.

14. In view of the above, the relief sought in this petition is unmerited. The writ petition is, therefore, dismissed.

PRATEEK JALAN, J

SEPTEMBER 24, 2025

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