

Regular List
Serial No. 52

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

WP(C) No. 1565/2024
CM No. 3809/2024

Date of pronouncement : 27.01.2026
Uploaded on : 29.01.2026

Mohit Sharma and Ors.
.....Petitioners

Through:- Mr. Anil Khajuria, Advocate.

V/s

UT of J&K & Ors
.....Respondents

Through:- Ms. Saliqa Sheikh, Assistant Counsel
vice Mr. Raman Sharma, AAG.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE
(ORDER)

01. The petitioners claim to be Ayush Medical Officers appointed under National Health Mission. It has been submitted that the petitioners are working in different medical blocks of district Udhampur and they have been appointed on different dates from the years 2008 to 2013. It is being submitted that pursuant to directions dated 29.11.2014 passed by this Court in SWP No. 2590/2012 titled **Dr. Naseer Ahmed Hakeem Vs. State & Ors**, Order No. 155 of 2018 dated 08.09.2018 came to be issued by the respondents and monthly remuneration of all Ayush doctors was brought at par with MBBS doctors appointed under National Health Mission.

However, said order was implemented by respondent No. 3 on different dates in different districts of the Union Territory of Jammu and Kashmir. It was only in the year 2021 when the aforesaid order dated 08.09.2018 came to be implemented in district Udhampur. It has been submitted that arrears on account of enhancement of remuneration of the petitioners, serving in district Udhampur, were paid to them but their monthly remuneration was not re-fixed.

02. It is being further submitted that another order bearing No. 37-NHM of 2021 dated 10.08.2021 came to be issued which provided for enhancement of remuneration of staff working at various levels under NHM scheme w.e.f., 01.04.2021 and the same was an independent enhancement of remuneration having no connection with the enhancement of remuneration made by virtue of Order No. 155 of 2018.

03. It is being submitted that pursuant to issuance of order dated 10.08.2021, enhancement was made to the remuneration of the petitioners by making addition to their available remuneration without re-fixing their monthly remuneration in terms of Order No. 155 of 2018. As a consequence of this, after the financial year 2021-22, there is disparity in monthly remuneration that is being paid to Ayush doctors working in other districts and the Ayush Medical officers/doctors working in district Udhampur.

04. According to the petitioners during the financial year 2021-2022, they have received remuneration less by Rs.

60,000/-, during the financial year 2022-2023, they have received less remuneration by Rs. 63,000/- and during the financial year 2023-24, they have received less remuneration by Rs. 66,144/-.

05. On the basis of the aforesaid submissions, the petitioners have sought a direction upon the respondents to remove the disparity in the remuneration that is being paid to them and to bring the same at par with Ayush Medical Officers presently posted in other districts of the Union Territory of Jammu and Kashmir with consequential relief of payment of arrears to them.

06. The respondents in their reply to the writ petition have admitted the factual aspects pleaded by the petitioners in the writ petition. It has been submitted that even though administrative department had approved parity in the pay scale of the Ayush Doctors with MBBS doctors through Order No. 155 of 2018 yet their pay was not revised after receiving arrears in their favour, as a result whereof from the financial year 2021-2022 onwards, Ayush Medical Officers in district Udhampur have been receiving lower monthly remuneration compared to their counterparts in other districts wherein the order was implemented earlier, leading to an ongoing pay disparity.

07. It has been submitted by the respondents that in order to redress the grievance of the petitioners, a meeting was held on 5th of September, 2025 and it was decided that the

concerned officers of Jammu and Udhampur districts shall submit a detailed factual position in the matter. It was acknowledged that order dated 08.09.2018 could not be implemented in district Udhampur and district Jammu during the financial year 2018-2019 due to shortage of funds at the district level.

08. It has been submitted that the arrears to Ayush Medical Officers of Districts Jammu and Udhampur were disbursed during the financial year 2022-23, however Order No. 37 of NHM of 2021 dated 10.08.2021 regarding rationalization was misconstrued leading to ambiguity in implementation. It has been acknowledged by the respondents that the issue of pay disparity has primarily arisen due to delayed implementation of Order No. 155 of 2018 dated 08.09.2018 and mis-interpretation of Order No. 37 of NHM of 2021 dated 10.08.2021. The respondents have also submitted that it has been decided to address the issue so that the arrears due to the Ayush doctors of districts Udhampur and Jammu are released in their favour.

09. I have heard learned counsel for the parties and perused the record of the case.

10. Having regard to the fact that the respondents have admitted that the grievance of the petitioners is genuine and their remuneration has not been fixed correctly in view of delayed implementation of Order No. 155 of 2018 dated 08.09.2018 and mis-interpretation of Order No. 37 of NHM

dated 10.08.2021, no issue arises in this case for determination. The respondents have admitted that the grievance projected by the petitioners is required to be addressed and the arrears, due to them, are required to be released in their favour.

11. In view of the above, the writ petition is **disposed of** with the direction to the respondents to re-fix the remuneration of the petitioners so as to bring it at par with the Ayush doctors serving in other districts of the Union Territory of Jammu and Kashmir whereafter the arrears of remuneration be released in their favour. The whole exercise shall be undertaken by the respondents within a period of three months from today.

12. The writ petition stands disposed of accordingly.

(SANJAY DHAR)
JUDGE

JAMMU
27.01.2026
Naresh/Secy.

Whether the judgment is speaking: **Yes**

Whether the judgment is reportable: **No**