14
Regular

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

WP(C) No. 104/2026

GH. MOHD MIR ….. Petitioner(s)

Through: Mr. Ishtiyaq Ahmad Mir, Adv.

V/s

UNION TERRITORY OF J AND K TH.COMMR/SECTY TO GOVT(SOCIAL WELFARE) AND OTHERS ….. Respondent(s)

Through: Mr. T A Lone, Dy. AG

Coram:

Hon'ble Mr. Justice Rajnesh Oswal, Judge

ORDER(Oral)

22.10.2026

1. The petitioner, was appointed as Member, CWC Bandipora, in terms of order dated 07.02.2018, for a period of three years. Vide Government Order dated 27.01.2021, the tenure of existing Members of CWCs was extended for a further period of one year and thereafter in terms of Government Order dated 24.06.2022, the tenure was further extended till fresh recruitment is made.
2. The petitioner further claims that pursuant to Order dated 29.03.2021, he was directed to hold the charge of Chairperson, Child Welfare Committee, Bandipora and

he continued to discharge his duty as Incharge Chairperson without any break till 13.04.2023 i.e, the date on which the newly recruited Members/Chairperson of the Child Welfare Committee were appointed.

3. The petitioner by placing these facts before this Court, has sought a direction to the respondents to release the pending remuneration/honorarium payable to the petitioner for the period he worked as Member, Child Welfare Committee, Bandipora and further to release the charge allowance payable to the petitioner for the period he functioned as Incharge Chairperson, CWC Bandipora along with interest i.e, from 29.03.2021 till 13.04.2023.
4. The respondents in turn have come up with the response stating therein that last extension was granted to the Members as well as Chairperson of CWC up to 24.08.2022 and thereafter no further extension was granted. Rather, fresh Advertisement Notice dated 01.08.2022 came to be issued for filling up the post of Members of Juvenile Justice Board and

Chairperson/Members of Child Welfare Committee in each District of UT of J&K.

5. Members/Chairperson (97 in number) challenged the said Advertisement Notice in WP(C) No. 1742/2022 titled *Dr. Khair-ul-Nisa and Ors. Vs. UT of Jammu and Kashmir and others* and some members also filed another writ petition bearing WP(C) No. 1748/2022 titled *Shalini Sharma and Others Vs. UT of Jammu and Kashmir and others* before the Jammu Wing of this Court and vide order dated 23.08.2023, both the writ petitions mentioned above were dismissed. It is further stated that claim of the petitioners was considered by the Department and the same was rejected vide order dated 13.12.2024. It is further stated that whatever remuneration due to the petitioner for the period he worked, prior to the termination of his contract, has been paid to him and he has no right of remuneration for the period he has not worked.

6. Mr. Ishtiyaq Ahmad Mir, learned counsel appearing for the petitioner has placed reliance upon the judgment dated 15th of May, 2026, passed by the coordinate Bench of this

Court in WP (C) No. 1496 of 2025, to submit that petitioners No. 30, 31 and 32 therein, were working as Members of the Child Welfare Committee (CWC), Bandipora, and the petitioner herein, who was working as In-charge Chairperson of CWC, Bandipora, therefore, the petitioner is required to be treated similarly. He has further submitted that the Consideration Order, as mentioned by the respondents in their response, whereby the claims of the other petitioners in the aforesaid Writ petition were rejected, has already been quashed by the coordinate Bench of this Court in terms of the judgment dated 15th of May, 2026, passed in the case supra.

7. *Per contra*, Mr. Tariq Ahmad Lone, learned Deputy Advocate General, appearing for the respondents, has submitted that, there was no extension of the petitioner's engagement beyond 24th August, 2022, as such no relief can be granted to him. He has also produced the record demonstrating the work done by the petitioner from 24th August, 2022, to 3rd March, 2023. The same is taken on record.

8. Heard learned counsel for the parties and perused the record.
9. This Court has examined the response filed by the respondents in the present petition, as also the response filed in WP (C) No. 1496 of 2025. The said writ petition was opposed by the respondents on the same grounds as have been raised in the objections filed in the present petition.
10. It would be apt to observe that petitioner Nos. 30 to 32 in WP (C) No. 1496 of 2025, were also working with the petitioner herein in CWC, Bandipora, and the Consideration Order dated 13th December, 2024, whereby the claims of the petitioners in the aforesaid writ petition was rejected, already stands quashed by the coordinate Bench of this Court in terms of the judgment dated 15th May, 2026.
11. In view of the aforesaid position and by applying the principle of parity, the present writ petition is disposed of by directing the respondents to release the remuneration/salary in favour of the petitioner w.e.f 25th

August, 2022, to 28th March, 2023, at the same rate at which he was being paid during the period of his engagement

12. In the event the aforesaid remuneration/salary is not released in favour of the petitioner within a period of two months from the date of passing of this judgment, the petitioner shall be entitled to interest at the rate of 6% per annum from the date of filing of the present writ petition till it's actually realization. So far as the claim of the petitioner for charge allowance is concerned, it needs to be noted that the petitioner was engaged only on contractual basis and the petitioner has not been able to produce any Rule/Regulation that provides for payment of charge allowance to the Members who works/officiates as Chairperson of Child Welfare Committee. Accordingly, the same is rejected.

(Rajnesh Oswal)
Judge

SRINAGAR
22.10.2026
Aasif