S. No. 36

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

WP(C) 2504/2023 CM(5927/2023)

FAYAZ AHMAD BABA …Petitioner(s)

Through: Mr. Umar Rashid Wani, Advocate.

**Vs.**

UNION TERRITORY OF J AND K AND ORS. ...Respondent(s)

Through: Mr. Zahid Qais Noor, GA.

**CORAM:**

**HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE**

**O R D E R**

28.10.2026

1. The petitioner through the medium present petition has sought for the following reliefs: -

> *1) A Writ in the nature of Mandamus directing the Respondent Department to fix the same grade pay as that of Private Respondent i.e., 2800 to the petitioner.*
>
> *2) A Writ in the nature of Mandamus directing the Respondent Corporation to pay the salary/arrears as are becoming due to the petitioner, which has been received in excess by the Private respondent to that of the petitioner since 2014, with the further direction to fix the seniority of the petitioner as per law and as per the joining/regularization of service of petitioner and private respondent.*

2. The respondent Nos. 2 and 3 have come up with the reply stating therein that the issues raised in the writ petition was examined by them at the appropriate level and were resolved vide order dated 07.04.2025, and further the petitioner was promoted to the post of Assistant Manager in terms of order dated 18.06.2025.

3. Learned counsel for the petitioner submits that in terms of order dated 07.04.2025, the petitioner has been granted notional benefits with effect from 23.07.2014 and substantively with effect from 01.03.2025 and this clearly shows the acknowledgment on the part of the respondents with regard to the entitlement of the petitioner to the Higher Pay Grade. He

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has further submitted that the petitioner was entitled to same relief as was granted to the private respondent.

4. Learned counsel appearing for the respondents has submitted that the grievance of the petitioner has already been redressed, as such, present petition has rendered virtually infructuous.

5. Heard and perused the record.

6. There appears to be substance in the submissions made by learned counsel for the petitioner that there is acknowledgment on the part of the respondents regarding the entitlement of the petitioner for the release of Higher Pay Grade with effect from 23.07.2014 and that is why the said benefit has been released in favour of the petitioner notionally. The respondents in their reply have not demonstrated any cause/reason for not granting monetary benefit to the petitioner with effect from 23.07.2014, despite the fact that the notional benefit has been granted to the petitioner with effect from the above mentioned date.

7. In view of above, the present petition is disposed of by directing the respondents to consider the claim of the petitioner for release of monetary benefit with effect from 23.07.2014 and appropriate/speaking order be passed within a period of three months from the date of receipt of certified copy of this order.

8. Disposed of.

**(RAJNESH OSWAL)**
**JUDGE**

**SRINAGAR**
28.10.2026
*Ishaq*

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