Serial No.18
Regular. CAUSE LIST

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

SWP 2412/2018 c/w
CCP(S) 330/2021
WP(C) 2550/2023

MOHAMMAD AASIF AND ORS **…Petitioner(s)**

Through: Mr. Salih Pirzada, Advocate with
Ms. Syed Ainain Qadiri, Advocate

Vs.

STATE OF J AND K AND ORS. **...Respondent(s)**

Through: Mr. G. N. Sofi, Dy AG

CORAM:
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
28.10.2026

01. The petitioners were engaged on different posts pursuant to the advertisement dated 07.10.2017, for a period of one year in Mision Directorate, in terms of order dated 18.10.2017. Thereafter, in terms of communication dated 12.10.2018 respondent No. 1 was requested by respondent No.3 to accord approval for the continuance of existing contractual staff for one year or till some permanent arrangement, whichever is earlier.

02. The petitioners initially filed SWP No. 2412/2018 for issuance of writ of mandamus that they be deemed to be

permanent staff members of the Mission and respondents be directed to release the differential salary in context to the grade assigned in the organization structure adopted for the mission service and further to confer all the benefits accrued to the petitioners as a result of continuous service from the date of initial appointment with all consequential benefits.

03. Respondents objected to the writ petition by asserting that the engagement of the petitioners was purely on temporary basis for a period of one year and they have no right to continue beyond the aforesaid period of one year and further that they have no preferential claim for continuation/reassignment/ permanent absorption/ appointment in J&K Skill Development Mission, regarding which the petitioners had submitted undertakings as well. They also stated that the term of engagement of petitioners came to an end on 17.10.2018 and petitioner No. 3 namely Ishtiyaq Amin Shah has not attended the duties and rather chosen to be out of engagement.It is also stated that there are no sanctioned posts in J&K Skill Development Mission, as such, the petitioners have no right to continue.

04. A supplementary affidavit dated 22.08.2024 also came to be filed by the respondents stating therein that the petitioners were paid wages from administrative cost of State Component of Centrally Sponsored Scheme-PMKVY and now the said component of the scheme has been closed and

there is no state component of the scheme run by the Ministry of Skill Development and Entrepreneurship. As the funds stand exhausted, the services of the petitioners have not been utilized since 15.09.2023.

05. During the pendency of this writ petition, the petitioners excluding Ishtiaq Amin Shah who figured as petitioner No. 3 in SWP No. 2412/2018, filed WP(C) No. 2550/2023 assailing the recommendations of the committee submitted in terms of the communication dated 17.02.2023 and the Government order No. 35-JK (GDS) of 2022 dated 19.04.2022, whereby the said committee was constituted and for issuance of directions to the respondents to adhere to the recommendations for continuation of the services of the petitioners till the expiry of J&K Skill Development Mission in terms of the communication dated 12.10.2018 addressed by respondent No. 2 to respondent No. 1.

06. The respondents in turn have come up with the response stating therein that reliefs claimed by the petitioners are impermissible, as the terms and conditions of their engagement were duly notified in the advertisement notice, which clearly prescribed the period of engagement for one year and they have no right whatsoever to continue beyond the period of one year.It is also stated that the Government vide Order dated 19.04.2022, constituted the Committee in compliance to the decision taken in 3rd Governing Council

meeting held on 14.09.2021. While complying with the directions, the committee submitted the recommendations to the administrative department in terms of communication dated 17.02.2023. It is further stated that earlier the recommendationsfrom time to time for extension/continuation of the services of the petitioners were made, when no permanent staff was deputed in the respondent-department. The Mission Directorate has been augmented by deployment of more staff in terms of order No. 07.02.2023, whereby eight employees were deputed by J&K Skill Development Department thereby fulfilling the requirement of the staff. It is also stated that under the schemes operated by the Mission Directorate, there is no provision of funds to meet the requirement of wages/honorarium of the petitioners.

07. Mr. Salih Pirzada learned counsel appearing for the petitioners submits that the petitioners were engaged on contractual basis and once the respondent No. 2 had requested respondent No. 1 to continue with the present engagement of the petitioners, the respondents could not have constituted the committee to examine the issue relating engagement and legitimate dues of contractual staff engaged in J&K Skill Development Mission, and, as such, even the recommendations made by the committee dated 17.02.2023 are required to be quashed. He has vehemently argued that

though the petitioners have been engaged on contractual basis, they could not have been disengaged verbally by the respondents.He has placed reliance upon the judgment of the Hon'ble Apex Court rendered in ***"Bhola Nath Vs. The State of Jharkhand & Ors." SLP (CIVIL) No. 30762 of 2024***.

08. Mr. G.N. Sofi, learned Dy AG, appearing for the respondents submits that not only the advertisement but the order pursuant to which the petitioners were engaged clearly specified the duration of their engagement and notwithstanding the fixed period of their engagement of one year, they were allowed to continue, but their services have not been utilized since 15.09.2023. He further submits that the petitioners cannot rely upon the recommendation dated 12.10.2018 to continue with their temporary engagement as even these recommendations for continuance of contractual staff for one year or till proper arrangement, whichever is earlier. He further submits that once the respondents have deputed eight employees in the Mission, there is no necessity for the services of the petitioner. Moreso, no funds are available for disbursement of their wages/honorarium.

09. Heard and perused the record.

10. Admittedly, in terms of order dated 18.10.2017, the petitioners were engaged for a period of one year and the terms and conditions of the aforesaid order provided that they shall have no right to continue in any capacity beyond

the period of engagement regarding which they have submitted undertaking with the respondents.The recommendations dated October 12, 2018, made by respondent No. 3 (Mision Director), heavily relied upon by Mr. Salih Pirzada, learned counsel for the petitionersexpressly provided for the continuation of contractual staff for one year or until proper arrangement, whichever was earlier. However, the petitioners remained in service until September 15, 2023.

11. The respondents in their response have categorically stated that they have deputed eight employees from the J&K Skill Development Department for fulfilling the requirement of the staff in the Mission in terms of order dated 07.02.2023., as such, it is evident that the respondents do not require the services of the petitioners for the functioning of the Mission.

12. The petitioners have failed to demonstrate before this Court how the Government lacked the competence to constitute the committee under the order dated April 9, 2022, particularly given the respondents' positive stand that the committee was established pursuant to the directions of the 3rdGoverning Council Meeting held on September 14, 2021.

13. The petitioners admittedly were engaged for a period of one year in terms of order dated 18.10.2017. Interestingly before the expiry of the said period, they came up with the SWP No. 2412/2018, filed on 11.10.2018 and in terms of interim

order dated 12.10.2018 passed in the said petition, the present status of the petitioners was directed not to be disturbed till next date of hearing before the Bench.

14. The petitioners also filed contempt petition and faced with the contempt proceedings, the respondents filed supplementary affidavit before this Court in SWP No. 2412/2018 to urge that the services of the petitioners have not been utilized since 15.09.2013, therefore, the order dated 12.10.2018 for continuation of the services of the petitioners be vacated.

15. From the above discussion, it is established that the petitioners worked till 14.09.2023 and the petitioners were aware that their engagement was for a period of one year, and they were allowed to continue for couple of years.Given that the respondents have made arrangements to ensure the smooth functioning of the Mission Directorate by deputing eight employees from the J&K Skill Development Department, the petitioners have no right whatsoever to seek continuance in the contractual posts to which they were engaged.

16. Pursuant to the specific query made by this Court as to whether the petitioners have been paid for the period, they have worked with the respondents, learned counsel appearing for the petitioners has very fairly submitted that petitioners have been paid their dues/honorarium.

17. The judgment relied upon by Mr. Salih Pirzada, learned counsel appearing for the petitioners in case titled as ***"Bhola Nath Vs. The State of Jharkhand &Ors.(2026)" SLP (CIVIL) No. 30762 of 2024,*** is not applicable in the present facts and circumstances of the case.

18. In view of above, there is no merit in both these petitions, the same are dismissed. With the disposal of the main petition(s), the proceedings in the contempt petition are also closed.

(Rajnesh Oswal)
Judge

SRINAGAR:
28.10.2026
"S. NUZHAT"

i. Whether the Order is Reportable? Yes/No

HIGH COURT
JAMMU & KASHMIR AND LADAKH