
(2025) 06 CAT CK 0182

In the Central Administrative Tribunal, Srinagar Bench, Srinagar

Case No : Original Application No.: 668 Of 2025

Mohammad Maqbool Wani & Ors.

APPELLANT

Vs

U.T Of Jammu and Kashmir & Ors.

RESPONDENT

Date of Decision : 24-06-2025

Acts Referred:

Citation : (2025) 06 CAT CK 0182

Hon'ble Judges : M.S. Latif, Member (J)

Bench : Single Bench

Advocate : M. A. Beigh, Syed Musaib

Final Decision : Disposed Of

Judgement

M.S. Latif, Member (J)

1. Through the medium of the instant O.A, the applicants have sought for the following reliefs:

a. By an order or direction the impugned order No155-LC of 2022 dated 21-09-2022 be quashed so for it directs treating the intervening period of the applicants from 15-07-1999 to 22- 11-2010 as on duty but on notional basis i.e without salary be declared null and void

b. The respondents be further directed to given similar treatment to the applicants by releasing the arrears of salary and other monitory benefits in favour of the applicants on the basis of similar treatment and parity as has been given to their counter parts/ similarly situated persons (set of employees) i.e. writ petitioners of SWP No. 812/2008 on the basis of judgment dated 22-04-2011 passed in their favour by the Hon'ble High Court in SWP NO. 812/2008 and LPA No. 202/2011 upheld by the Hon'ble Supreme Court in civil appeal No. 239/2022 dated 25-08-2022 implemented by the respondents in the said writ petition in terms of order No. RCS/LS/222-29 dated 18-11- 2022. Any other order or direction which this Hon'ble Tribunal may deem fit and proper in

the attending circumstances of the case, may also be passed in favour of the applicants and against the non-applicants/ respondents, including the one to follow the judgment dated 02-08-2024 passed by the Hon'ble High Court of Jammu & Kashmir and Ladakh at Srinagar in WP(C) No. 683/2023.

2. Alongside the main reliefs, the applicants have also sought for interim relief:

In the meanwhile the Hon'ble Tribunal may be pleased to direct the respondent to consider the case of the applicants for release arrears of salary for the intervening period from 15-07-1999 to 22-11- 2010 in light of the judgment dated 02-08-2024 passed by the Hon'ble High Court in WP(C) No. 683/2023, they be directed to pay the arrears with interest.

Any other any other order or direction which the Hon'ble Tribunal may deem fit and proper in the attending circumstances of the case, may also be passed in favour of the applicant and against the non-applicants/respondents.

3. The facts emerging from the pleadings made in the O.A. are that the applicants and their counterparts in total 134 were the permanent employees of the erstwhile Jammu and Kashmir State Cooperative Consumers Federation Ltd. (CONFED), however, due to some unavoidable circumstances all these employees were not paid their salary since December 1998 and as such, they were forced to approach Govt. of the erstwhile State of Jammu & Kashmir for redressal of their grievances as also the non-release of their salary.

4. Learned counsel for the applicants submits that the applicants were directed to report to the Office of Labour Commissioner, J&K, Jammu/Srinagar for further orders and the applicants in compliance joined the department of respondent no. 1 to 4 as Class-IV in the pay scale of 4400-7440 with grade pay of Rs. 1300/- and the Labour Commissioner was thereafter pleased to place the applicants in the Office of ALC, Bandipora (New District), ALC Ganderbal (New District) and ESI Dispensary, Rengreth and respectively, as orderly cum chowkidar, in terms of order no. 122-LC of 2010 dated 02-12-2010.

5. It is stated in the O.A. that the applicants no. 1 and 2 are in active service while applicant no. 3 has retired on 31-10-2022. Learned counsel for the applicants submits that during the intervening period from 1999 till 27-10-2020 i.e. the date of absorption/adjustment, the applicants have not been paid their salary. It is further stated that the applicants have all along been approaching the respondents in this regard.

6. Prima facie what appears is that the case regarding non-payment of the salary pertains to the year 2010 which is more than 15 years old and as stated, the applicants have not been paid.

7. Learned counsel for the applicants submits that similarly situated persons as that of the applicants filed a Writ Petition before the Hon'ble High Court of J&K bearing SWP No. 812/2008 titled as Ghulam Ahmad Reshi & Ors. v. State of J&K & Ors. which was decided on 22-04-2011 with certain directions. Then as stated,

the matter ultimately came to be resolved before the Hon'ble Supreme Court and the same was decided in the year 2023. He submits that the case of the applicants is identical to that of the petitioners in SWP No. 683/2023 titled as Showkat Ali Wani & Ors. v. UT of J&K & Ors.

8. Heard learned counsel for the parties.

9. At the request of learned counsel for the applicants, the case is taken up for its disposal.

10. Without commenting upon the merits or otherwise of the case, the instant O.A. is disposed of by providing that the respondents will consider the case of the applicants on the same analogy as that of the Showkat Ali Wani & Ors. v. UT of J&K & Ors bearing SWP No. 683/2023, in case the applicants are similarly situated as that of the petitioners in the above referred case and there is no legal impediment in the same. It is expected that the respondents will pass a speaking order within a period of two months from the date a copy of this judgment is served upon them. It is also provided that the applicants while considering their grievances be also accorded an opportunity of being heard which shall be in consonance with the rules of natural justice.

11. Accordingly, O.A. No. 668/2025 is disposed of along with all connected M.A.s, if any.