

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

**WP(C) 1147/2023, CM(2727/2023)
c/w
WP (C) 2567/2023, WP (C) 2679/2023**

Mudasir Ahmad Beigh

... Petitioner/Appellant(s)

Through: Mr. Aqib Aijaz, Advocate

V/s

UT of J&K and others

... Respondent(s)

Through: Mr. Jenangir Ahmad Dar, GA vice Mr. Syed Musaib, DAG
Ms. Rekha Wangnoo, GA

CORAM:

HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER
02-05-2024

Oral

1. Compliance report has been filed by the respondents on 15.9.2023 in terms of order dated 08.09.2023 whereunder the respondents came to be granted one more opportunity to comply with the order dated 12.05.2023 whereunder the respondents came to be directed to release the salary of the petitioner for the period he has discharged his duties with a further direction to the respondents not to disengage the petitioner without adopting due process of law, having taken cognizance of order no. CEOB/Legal/2023/9361-64 dated 09.3.2023, which order had been issued by Chief Education

officer, Budgam, being respondent 3 herein, in terms whereof shifting of the lowest grade post of Class IV (Orderly) i.e. SL 1 (14800-47100) on temporary basis from GHSS Shogapora to the office of CEO Budgam was ordered only for the release of release of minimum pay attached to the said post in favour of the petitioner with the condition that the petitioner will not claim regularization against the said post, which condition having been admitted by the petitioner by executing an undertaking dated 07.3.2023 and also that the petitioner will be considered for regularization under SRO 308 of 2008 as Class IV as and when his turn will come as per his eligibility.

2. Record further reveals that the said order dated 09.3.2023 has become the basis for the petitioner to file the present petition filed by the petitioner as according to the petitioner respondents failed to release the salary to the petitioner in the light of the said order dated 09.3.2023 despite having been issued by them in recognition of the legitimacy of the claim of the petitioner.
3. Record reveals that respondents have filed objections to the petition and have expressed their inability to adhere to order dated 09.3.2023 on account of want of CPIS code required to be generated in favour of permanent employees having authenticated service record/service book and that though necessary guidelines/instructions are stated to have been

sought by respondent 3 from respondent 2 in this regard no instructions were furnished thereof.

4. In view of the aforesaid conflicting stands taken by the respondents inasmuch as having regard to the orders passed by this court which are alleged to have remained unimplemented so far by the respondents, the presence of respondents 3 and 4 becomes imperative. Accordingly, the respondents 3 and 4 are directed to appear in person on the next date along with record of the case.
5. List for further consideration on 9.5.2024.

Srinagar
02-05-2024
N Ahmad

