

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

WP(C) No. 1147/2023 c/w WP(C) No. 2567/2023 WP(C) No. 2679/2023

Mudasir Ahmad Beigh

...Petitioner/Appellant(s)

Through: Mr. Aqib Aijaz, Advocate.

Vs.

UT of J&K and Ors.

...Respondent(s)

Through: Mr. Sajad Ashraf, GA
Ms. Rekha Wagnoo, GA.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

21.05.2024

1. Heard counsel for the petitioner and partly counsel for the respondents.
2. Respondents 3 and 4 are present in person.
3. Counsel for the respondents would submit that orders of this Court have been complied with and that the petitioner has not been disengaged.
4. Perusal of the record of the proceedings would reveal that the respondents have filed compliance report wherein it is being stated that the petitioner stands paid his wages w.e.f. March 2023 to September 2023.
5. The said compliance report is accompanied with F.C-28 reflecting detailed bill of Contingent Charges/wages of the petitioner wherein the petitioner has been shown to be on Muster Rolls (C.P.W) Contingent Paid Workmen (CPW) reflecting his daily wages Rs. 400/- per day.
6. The said compliance report and the Muster roll annexed thereto ex-facie demonstrates that the respondents in general and respondents 3 and 4 in particular have tried to over reach the orders of this Court in particular order dated 12.05.2023, besides deviating from Annexure VIII dated 09.03.2023 issued by the respondent 4 Chief Education Officer Budgam, whereunder it has been provided that Class-iv post (orderly) carrying the pay scale SL1 (14800-47100) is being shifted from GHSS Shogapora to the office of Chief Education Officer, Budgam, only for release of

minimum pay attached with the said post in favour of the petitioner having acknowledged the release of minimum pay attached to the post to the petitioner but on the other hand in the compliance report have treated the petitioner as a contingent paid workmen paying him Rs.400/- per day that too in presence of the order of this court dated 12.05.2023 wherein the Court had taken cognizance of the aforesaid order dated 09.03.2023 issued by the Chief Education Officer, Budgam and in the said backdrop had directed the respondents to release the salary of the petitioner for the period he has discharged his duties, besides directing the respondents not to disengage the petitioner without adopting due process of law.

7. Though, the aforesaid acts of omission and commission warrant initiation of appropriate proceedings against the respondents in general and respondents 3 and 4 in particular being a patent contempt of orders passed by this court, yet at the insistence of appearing counsel for the respondents, initiation of such an action is deferred for enabling the respondents to report compliance of the orders passed by this Court without any fail before next date of hearing.
8. List for further consideration on 30.05.2024.
9. Personal appearance of the respondents 3 and 4 for the time being is dispensed with.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

21.05.2024

Ishaq