

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

WP (C) No. 355/2025

Irshad Ahmed Khan

.....Petitioner(s)

Through: Mr. Dhruv Pant, Advocate vice
Mr. Rahul Pant, Sr. Advocate.

Vs

UT of J&K and Ors.

..... Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
24.02.2025

1. It has been urged by the learned counsel appearing for the petitioner that it is settled proposition of law by the Hon'ble Apex Court and also by this Court and various other High Courts in catena of judgments that any appointment made on compassionate basis is in the nature of permanent appointment and cannot be treated as temporary or contractual. However, in the instant case, the respondents in flagrant violation of law laid down by the Hon'ble Apex Court, have issued the order dated 03.01.2025, whereby the petitioner has been appointed under SRO 43 of 1994 on consolidated remuneration of ₹1500/- per month, subject to conferment of Jammu and Kashmir Road Transport Corporation Board of Directors.

2. Learned counsel for the petitioner submits that although the petitioner has been appointed under the aforesaid SRO on consolidated basis, however, he submits that any appointment, which is to be made under the said SRO has to be against a vacancy and is permanent in nature and not on consolidated basis. He further submits that on this ground alone, the order impugned cannot sustain the test of law and is liable to be set aside to that extent.

3. Learned counsel for the petitioner further prays that a direction be issued to the respondents to accord consideration to the case of the petitioner for appointment on permanent basis in

conformity with the provisions of the SRO 43 of 1994 and also in light of the law laid down by the Hon'ble Apex Court.

4. Heard learned counsel for the petitioner and perused the record.

5. Issue notice to the respondents, returnable within four weeks.

6. *Prima-facie*, a case for interim indulgence is made out at this stage.

7. List again on **08.04.2025**.

8. Meanwhile, subject to objections from the other side and till next date of hearing before the Bench, order impugned dated 03.01.2025 shall remained stayed. However, this will not preclude the respondents to accord consideration to the case of the petitioner on compassionate ground in terms of SRO 43 of 1994 against a vacancy on permanent basis in the light of settled legal position.



(Wasim Sadiq Nargal)
Judge

JAMMU
24.02.2025
Ram Krishan