

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(Through Virtual Mode)**

**LPA No. 268/2025 in
WP(C) No. 208/2021
CM No. 7459/2025**

Date of Order: 18.05.2026.
Uploaded on : 21.05.2026

- 01. Union Territory of J&K through
Principal Secretary to Government
Skill Development Department
Civil Secretariat Srinagar/Jammu.**
- 02. Director
Skill Development Department
Srinagar/Jammu.**
- 03. Principal /Superintendent
Industrial Training Institute, Tral.**
- 04. Principal /Superintendent
Industrial Training Institute, Pulwama.**
- 05. Principal /Superintendent
Industrial Training Institute, Budgam.**
- 06. Principal /Superintendent
Industrial Training Institute, Pampore.**
- 07. Principal /Superintendent
Industrial Training Institute, Srinagar.**
- 08. Principal /Superintendent
Industrial Training Institute, Anantnag.**
- 09. Principal /Superintendent
Industrial Training Institute, Kulgam.**
- 10. Principal /Superintendent
Industrial Training Institute, Khur
Batapora, Kulgam.**
- 11. Principal /Superintendent
Industrial Training Institute, R.S. Pura,
Jammu.**
- 12. Principal /Superintendent
Industrial Training Institute, Hira
Nagar, Jammu.**

13. **Principal /Superintendent
Industrial Training Institute, Samba.**
14. **Principal /Superintendent
Industrial Training Institute, Doda.**
15. **Principal /Superintendent
Industrial Training Institute, Kathua** Appellant(s)/Petitioner(s)

Through: Mr. Ilyas Nazir Laway, GA.

Vs

01. **Fayaz Ahmed Bhat,
S/o Ghulam Qadir Bhat,
R/o Rathsuna Saimoh, Tral, Pulwama.
Pin code No. 192 123.**
02. **Muzammil Ahmed Dar,
S/o Farooq Ahmed Dar,
R/o Rathsuna P/O Saimoh, Tral
Pin code No. 192 123.**
03. **Zaffar Ali, S/o Mohammad Ali Dev.
R/o Doda City, Village Malwana
Pin Code No. 182202.**
04. **Ufshana Altaf, D/o Peer Mohammad
Altaf
R/o Khirem Srigufwara, Anantnag.
Pin Code No. 192 104.**
05. **Shabir Ahmed Chack,
S/o Ghulam Mohammad Chack
R/o Manzgam, D.H. Pora, Kulgam.
Pin Code No. 192233.**
06. **Gowhar Rashid, S/o Abdul Rashid
Ganie
R/o Durhama, D.H. Pora, Kulgam.
Pin code No. 192 233.**
07. **Rajneesh Kumar S/o Vishwa Nath
R/o Harsath P/O Ghagwal, Distt. Samba
Pin code No. 184 141.**
08. **Vijay Kumar S/o Sh. Ram Dass
R/o Village Jandial,**

**P/O Jandial Tehsil Bhalwal, Distt.
Jammu.
Pin code No. 181 122.**

- 09. Younis Bashir S/o Bashir Ahmed
Sheikh
R/o Dadsara, Tral, Distt. Pulwama
Pin code No. 192 123.**
- 10. Bhupinder Kour, D/o Sameher Singh
R/o H. No. 517/3, Narwal Satwari,
Jammu.
Pin code No. 180 003.**
- 11. Prabhat Bhagat, S/o Mangal Dass
R/o Ward No. 7, Bantalab, Samba.
Pin code No. 184 121**
- 12. Sameer Ahmed,
S/o Mohammad Yousuf Sofi
R/o Khrewan, Lassipora, Kulgam
Pin code No. 192 231.**
- 13. Towseef Ahmed S/o Bashir Ahmed
Rather
R/o Sirhama, Srigufwara, Anantnag
Pin code No. 192 401.**
- 14. Sushma Kumari D/o Girdhari Lal
Dogra
R/o H. No. F/715 Rajpura Manotrian
Main Chowk, Shakti Nagar
Pin code No. 180 001.**
- 15. Shashi Pal Singh,
S/o Sh. V.P. Singh Jamwal
R/o Ward No. 7, Hira Nagar, Kathua.
Pin code No. 184 142.**
- 16. Naresh Kumar Gupta,
S/o Sh. Chaman Lal Gupta,
R/o Ward No. 1, Hira Nagar, Kathua
Pin code No. 184 142.**
- 17. Shubh Ram S/o Sh. Yash Paul,
S/o Sh. Chaman Lal Gupta,
R/o VPO-Jandi, Lara, Hira Nagar,
Kathua
Pin code No. 184 142.**

18. **Mohammad Rafee Bhat,
S/o Abdul Aziz Bhat,
R/o Koil Pulwama.
Pin code No. 192 301.**
19. **Ashaq Hussain Sheikh
S/o Ghulam Mohammad Sheikh
R/o Kamad, P/O Dialgam, Distt.
Anantnag
Pin code No. 192 210.**
20. **Shaziya Hassan D/o Ghulam Hassan
Yatoo
R/o Bat Mohalla, Tral-i-Payeen, Tral
Pin code No. 192 123.**
21. **Mariya Bashir D/o Bashir Ahmed Kak
R/o Dangerpora Tailbal, Hazratbal,
Srinagar
Pin code No. 190 006.**
22. **Sabeena Mohi-ud-din
D/o Ghulam Mohi-ud din Sheikh
R/o Amlar, Tral P/O Buchoo
Distt Pulwama
Pin code No. 192 123.**
23. **Nisar Ahmed Mir
S/o Khazir Mohammad Mir.
R/o Hartu Shichen P/O Dialgam,
District Anantnag.
Pin code No. 192 210.**
24. **Najeeb-ul- Rehman
S/o Abdul Rehman Bhat
R/o Heaven Colony, Ashajipora
Anantnag
Pin code No. 192 101**
25. **Hilal Ahmed Hilal
S/o Peer Abdul Rashid,
R/o Batapora Kanihama, Distt. Budgam
Pin code No. 193 401.** Respondent(s)

Through: M/S Zamir Abdullah, Advocate &
Mr. Zahir Abdullah, Advocates.

**Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER (ORAL)
18.05.2026

01. This *intra court* appeal filed by the Union Territory of Jammu & Kashmir and others, is directed against the order/judgment dated 04.07.2025, passed by the learned Single Judge (writ Court) in **WP(C) No. 208/2021 c/w CCP(S) No. 03/2022, titled 'Fayaz Ahmad Bhat & Ors Vs. U.T of J&K & Ors'**, whereby, the writ Court has allowed the writ petition filed by the respondents and held them entitled to remuneration at the enhanced rates in terms of Government Order No. 34-JK(DSD) of 2020, dated 12.10.2020.
02. The impugned judgment is assailed by the appellants on the multiple grounds. However, before we advert to the grounds of challenge urged by Mr. Ilyas Nazir Laway, learned GA, appearing for the appellants, it is appropriate to set out the facts giving rise to the controversy raised in this appeal.
03. The respondents came to be engaged as 'Vocational Instructors' on academic arrangement basis in Industrial Training Institutes of the Union Territory of Jammu & Kashmir. Their academic arrangement was on the basis of Self Finance Scheme. The respondents came to be engaged between the period from 2009-2011 and their monthly honorarium was initially fixed @ Rs. 4000/- per month. However, vide Government Order No. 109-Edu/Tech of 2012, dated 15.06.2012, the honorarium payable to the Lecturers/Vocational Instructors engaged on academic arrangement basis was revised. The honorarium of the Vocational Instructors holding

degree qualification was revised from Rs. 4000/- to Rs. 6000/-per month, whereas, the honorarium of the Vocational Instructors with qualification of ITI/CTI was revised from Rs. 4000/- to Rs. 5500/- per month. There was a further enhancement of honorarium in terms of Government Order dated 26.07.2017.

04. The respondents were given the benefit of enhanced honorarium on both occasions i.e., when the Government Order of 2012 and the Government Order of 2017 was issued. In the year 2020, the petitioners issued Government Order No. 34-JK(DSD) of 2020, dated 12.10.2020, whereby the remuneration of candidates engaged on academic arrangement basis in ITIs and Polytechnics was raised to Rs. 15000/- for gazetted posts and Rs. 12000/- for non-gazetted posts. The benefit of this enhancement was however, not granted to the respondents on the grounds that they were engaged under a Self Finance Scheme and not against any gazetted or non-gazetted vacant posts. The representations filed by the respondents to the petitioners evoked no response.
05. Feeling aggrieved, the respondents filed WP(C) No. 208/2021, in this Court, seeking *inter alia* a direction to the petitioners to implement the Government Order dated 12.10.2020, qua the respondents as well. The writ petition was contested by the petitioners before the writ Court by filing their objections. It was contended by the petitioners that the respondents having not been engaged against any available vacant posts, were not entitled to the benefit of Government Order dated 12.10.2020, which was applicable to those academic arrangements which had been

made against clear gazetted and non-gazetted posts in ITI and Polytechnic Sectors of the Department of Technical Education.

06. The writ Court having considered the rival contentions came to the conclusion that the Government Order dated 12.10.2020, did not make any distinction between the persons engaged on academic arrangements basis under the Self Finance Scheme and those who are engaged against gazetted/non-gazetted vacant posts in the Department.
07. The writ Court, thus, held that the benefit enhancement of honorarium/remuneration envisaged in the Government Order dated 12.10.2020, could not be denied to the respondents.
08. It is this backdrop, the writ Court allowed the writ petition in terms of judgment impugned and granted the relief prayed for by the respondents.
09. The impugned judgment is challenged by the appellants primarily on the ground that writ Court has misinterpreted the Government Order dated 12.10.2020, which unequivocally provides benefit of enhanced remuneration only to the candidates engaged on academic arrangement basis against gazetted and non-gazetted posts and excludes from its application, the candidates engaged on academic arrangement basis on 'Self Finance Scheme' of the petitioners.
10. Having heard the learned counsel for the parties and perused the material on record, we are of the considered opinion that writ Court has very correctly and appropriately understood and appreciated the Government Order dated 12.10.2020. From the plain reading of the Government Order, which has been reproduced by the writ Court in para 10 of the judgment impugned, it clearly transpires that the benefit of enhanced remuneration

has been granted to all the candidates engaged on academic arrangement basis in ITIs and Polytechnics.

11. With a view to providing the different remuneration to those performing their duties of the gazetted posts and non-gazetted posts, there was made a reference to the gazetted posts and non-gazetted posts. This was to clarify that the candidates engaged on academic arrangement basis performing the duties performed by those holding gazetted posts would be entitled to the enhanced remuneration of Rs.15000/- and those engaged on academic arrangement basis, for performance of duties, which are performed by those holding non-gazetted posts, would get a remuneration of Rs.12000/-. Otherwise also, the source of payment of remuneration or honorarium cannot change the position so long as the nature of duties to be performed by both the set of employees remain the same.
12. It cannot be said that those who are engaged as Lectures or Vocational Instructors on academic arrangement basis and paid under the 'Self Finance Scheme' perform the duties different from those engaged against gazetted or non-gazetted posts and are paid from a different source. The doctrine of 'equal pay for equal work' is fully attracted. The respondents can be paid wages different from those performing similar duties only for the reason that they are being paid different source or they are engaged against vacant posts.
13. Viewed from any angle, we do not find any legal infirmity in the judgment impugned. The writ Court has rightly held the respondents entitled to benefit of enhanced remuneration envisaged in Government Order No. 34-JK(DSD) of 2020, dated 12.10.2020.

