

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU

LPASW No.18/2015

CMA No.20/2015

Date of order: 30.03.2015

1. Amit Padha age 31 years son of Sh. Tarsem Raj Padha resident of Ward No.15 Patel Nagar, Kathua
2. Mukesh Khajuria age 36 years son of Bishan Dass resident of village Chhan Rorian Tehsil Hiranagar District Kathua
3. Neeraj Sharma age 33 years son of Tilak Raj Sharma resident of Chhan Morian Tehsil Hiranagar District Kathua
4. Shiv Nandan age 35 years son of Sh. Ram Krishan resident of village Budhi Tehsil and District Kathua.
5. Ramanjeet Singh age 35 years son of S. Daleep Singh resident of Sawan Chack Tehsil and District Kathua
6. Munish Verma age 36 years son of Kumar Chand Verma resident of Ward No.14 Kathua
7. Rakesh Kumar age 33 years son of Banarsi Dass resident of village Thain Tehsil and District Kathua
8. Ashwani Kumar age 43 years son of Kartar Chand resident of Ward No.4 Tehsil and District Kathua
9. Devinder Kumar age 36 years son of Karam Chand resident of village Uttari Tehsil and District Kathua
10. Harish Krishan age 35 years son of Anchal Das resident of Ward No.17 Tehsil and District Kathua
11. Ravinder Singh age 43 years son of Neelam Singh resident of village Janglote Tehsil and District Kathua
12. Ravi Kant age 33 years son of Sh. Kartar Chand resident of village Merath Tehsil and District Kathua
13. Harish Chander age 34 years son of Sh. Anchal Dass resident of W.No.17 Kathua
14. Naresh Sharma age 33 years son of Sh. Om Parkash resident of village Marheen Tehsil Hiranagar District Kathua
15. Susheel Sharma age 34 years son of Sh. Tilak Raj Sharma resident of village Kootah Tehsil Hiranagar District Kathua

2.

16. Arvind Kumar age 32 years son of Sh. Jai Singh resident of Kalibari near Janglote Morh Tehsil and District Kathua
17. Hardev Kumar age 31 years son of Sh. Hemraj resident of village Khanyara Tehsil and District Kathua
18. Sukhdev Singh age 32 years son of Sh. Dharam Singh resident of village Keerian Tehsildar and District Kathua
19. Raman Kumar age 33 years son of Sh. Nathu Ram resident of village Gatyat Tehsil and District Kathua
20. Rajnish Kumar age 32 years son of Sh. Shobha Ram resident of Ward No.4 Hiranagar District Kathua
21. Navneet Verma age 34 years son of Sh. Om Parkash Verma resident of Ward No.4 Krishna Colony Kathua
22. Anjana age 35 years wife of Sh. Rashpal Sharma resident of village Uttri Tehsil and District Kathua
23. Pooja Sharma age 34 years wife of Narinder Sharma resident of village Uttri Tehsil and District Kathua
24. Sheetal Sharma age 35 years wife of Suresh Sharma resident of village Barwal Tehsil and District Kathua
25. Chand Bibi age 27 years daughter of Mohd Hussain resident of village Janglote Tehsil and District Kathua
26. Rekha Rani age 28 years daughter of Pitamber Nath resident of village Barwal Tehsil and District Kathua
27. Meenu age 37 years wife of Chamail Singh resident of village Jandore Tehsil and District Kathua
28. Rajni Verma age 35 years wife of Sh. Subhash Verma resident of Ward No.4 Shiva Nagar Kathua
29. Darshan Kumar age 32 years son of Sh. Rattan Chand resident of village Jandi Tehsil Hiranagar District Kathua
30. Kuldeep Raj age 35 years son of Sh. Satpal resident of village Chadwal Tehsil and District Kathua
31. Suresh Gupta age 32 years son of Sh. Tilak Raj resident of village Budhi Tehsil and District Kathua
32. Bikram Singh age 35 years son of Sh. Mohinder Singh resident of village Marheen Tehsil Hiranagar District Kathua
33. Anil Kumar Sharma age 36 years son of Sh. Satpal resident of village Khanpur Tehsil Hiranagar District Kathua

3.

34. Savita Sharma age 30 years wife of SHiv Nandan resident of village Budhi Tehsil and District Kathua
35. Amitu Sharma age 28 years wife of Amit Padha resident of Ward No.15 Patel Nagar Kathua
36. Monika Verma age 30 years wife of Devinder Kumar resident of village Uttari Tehsil and Distkric Kathua
37. Ishwar Lal age 32 years son of Devi Dayal resident of ward No.9 Kathua
38. Anu Bala age 32 years wife of Nitam Singh resident of Ward No.5 Tehsil Hiranagar District Kathua
39. Adarsh Pal Sharma age 32 years wife of Sh. Raj Paul Sharma resident of ward No.9 Kathua
40. Raman Baskar age 33 years son of Bishan Dass resident of Ward No.6 near Sheedi Chowk Kathua
41. Amit Sharma age 32 years son of Omkar Nath Sharma resident of village Jakhbar Tehsil and District Kathua
42. Jatinder Gupta age 35 years son of Sh. Nand Lal Gupta resident of Ward No.17 Partap Nagar Kathua
43. Kulchander Singh age 30 years son of Kartar Singh resident of Village Barwal Tehsil and District Kathua
44. Swaran Abrol age 35 years son of Sh. Manohar Lal resident of Ward No.17 Kathua
45. Balbir Singh age 37 years son of Keemat Singh resident of village Nannan Tehsil and District Kathua
46. Daljeet Singh age 29 years son of Kuljeet Singh resident of village Barwal Tehsil and District Kathua
47. Hardeep Singh age 33 years son of Sh. Mohinder Singh resident of village Tarahra Barnoti Tehsil and District Kathua
48. Ravinder Singh age 32 years son of S. Narjan Singh resident of Ward No.13 Sawan Chak Kathua

v

1. State of Jammu and Kashmir through Commissioner-cum Secretariat to GAD, Civil Secretariat Jammu/Srinagar
2. Principal Secretary o the Government, School Education Department, Civil Secretariat Jammu/Srinagar
3. Director School Education Kashmir

4.

- 4. Mohd Saleem Rather, General Secretarity Jammu and Kashmir Rehbar-e-Taleem Teachers Forum resident of Aalibagh Tarzoo Sopore presently posted at Primary school Shal Bagh Hygam Sopore
- 5. Assad-Ullah Wani son of Mohd Ramzan Wani resident of village Yangoorra Gnaderbal Secretary Jammu and Kashmir Rehbar-E-Taleem Teachers Forum presently posted at middle school HYangoora district Ganderbal

respondents

- 6. Anwar Hussian Wani son of Mohd Shafi Wani resident of Mattan District Anantnag
- 7. Gulshan Ahmad Magray son of Ab. Ahad Magray resident of Hudipora District Baramulla
- 8. Mohammad Iqbal Wani son of Wali Mohd Wani resident of Harapora District Anantnag
- 9. Fayaz Ahmad Mir son of Gh. Rasool Mir resident of Akingam District Anantnag
- 10. Muzaffar Ahmed Koley son of Ali Mohd Koley resident of Kootihair District Anantnag
- 11. Nazir Ahmd son of Ab. Ahad Wani resident of Pathan District Uplama
- 12. Mohd Akram son of Ab. Rashid Akhoon resident of Walraman District Baramulla.
- 13. Ashish Bhat son of Shri Basker Nath Bhat resident of Mattan District Anantnag
- 14. Mohd Shafi Mir son of Gh. Mohammad Mir resident of Srinagar
- 15. Zahoor Ahmad Bhat son of Gh. Mohammad Bhat resident of Vezir District Baramulla
- 16. Haroon Rashid son of Ab. Rashid Shah resident of Sheer Hamdan District Anantnag.

Proforma respondents

Coram:

Hon’ble Mr. Justice N. Paul Vasanthakumar, Chief Justice

Hon’ble Mr. Justice Bansi Lal Bhat, Judge

Appearing counsel:

For the appellant(s)

:

None.

For the respondent(s)

:

None.

i/	Whether to be reported in Press/Media	:	Yes/No
ii/	Whether to be reported in Digest/Journal	:	Yes/No

5.

N.Paul Vasanthakumar, CJ:

1. This appeal is filed against the order passed by learned Single Judge in SWP No.1388 of 2014 dated 31.12.2014 wherein the appellants have prayed for quashing of order dated 25.06.2014 read with cabinet decision No.115/09/2014 dated 19.06.2014 and for directions to refrain the respondents from giving effect to the said order in favour of Rehbar-i-Taleems by any manner.

2. Learned Single Judge noticing the fact that similar matters already considered by the Hon'ble the Supreme Court in Special Leave to Appeal(C) No.20531/2013 and Division Bench of this Court in LPA(SWP) No.183/2010, which has been disposed of on 16.04.2013 dismissed the writ petition holding that the Government is well within its powers to lay down a Scheme to provide for redressal of grievances of sections of its employees engaged under the Scheme and not initially appointed on regular or substantive basis. The learned Single Judge also relied upon the judgments of Hon'ble the Supreme Court, reported in i) **1979 STPL (LE) 9889 SC**; (ii) **2014 STPL(LE) 48736 SC** and (iii) **2014 STPL(LE) 48659 SC**.

6.

3. Since the learned Single Judge followed the judgments of Hon'ble the Supreme Court and Division Bench cited supra, we are unable to find any reason to interfere with the order of learned Single Judge.

4. Appeal is dismissed along with connected application.

(Bansi Lal Bhat)
Judge

(N. Paul Vasanthakumar)
Chief Justice

Jammu,
30.03.2015
Sanjeev

