Serial No. 34
REGULAR CAUSE LIST

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 232/2026
CM(567/2026)

Union Territory of J&K and Ors. **…Petitioner(s)**

Through: Ms. Maha Majeed, Assisting Counsel vice
Mr. Mohsin Qadri, Sr. AAG

Vs.

Asif Hamid Malik and Others **...Respondent(s)**

Through: Mr. Jahangir Iqbal Ganai, Sr. Advocate with
Mr. Kamil Nazir, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER
01.09.2026

01. Impugned in this petition filed by the petitioners under Article 226 of the Constitution of the India is an order and judgment dated 10th March, 2025, passed by the Central Administrative Tribunal, Srinagar Bench ["the Tribunal"] in OA No. 405/2023, whereby the Tribunal has disposed of the OA filed by the respondents and directed the petitioners herein to give effect to the appointments of the respondents from the year 2009 and grant them the benefit of Pensionery Rules as were existing prior to the issuance of SRO 420 of 2009. The Tribunal had also granted consequential benefits upon such retrospective appointment.

02. Learned counsel appearing for the parties fairly submit that the controversy raised in this petition is squarely covered by

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the judgment dated 30th August, 2025, passed by this Court in WP(C) No. 144/2025 titled ***"Union Territory of J&K and Ors Vs. Rauoof Ahmad Zargar and Ors."***

03. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the facts of this case are entirely identical to the facts of the WP(C) No. 144/2025 and the order under challenge in the said writ petition was also in respect of the persons similarly situated with the respondents in this petition.

04. In view of the aforesaid settled legal position this petition is disposed of by providing as under:-

(i) The respondents herein shall be deemed to have been appointed as Constable (Operators) prior to 01.01.2010 and, therefore, they shall be held entitled to the benefit of Pension Rules as were existing and applicable to the Government employees prior to 01.01.2010;

(ii) The date of appointment of the respondents is preponed only for enabling them to take the benefit of Old Pension Scheme and for no other purpose and,

(iii) The requisite steps for complying with this judgment and setting the record straight by issuing a formal order shall be taken by the petitioners

HIGH COURT JAMMU & KASHMIR AND LADAKH

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within a period of three months from the date of the judgment.

05. Accordingly, the judgment of the Tribunal impugned in this petition is modified to the aforesaid extent.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:
01.09.2026
"Mir Arif"

HIGH COURT
JAMMU & KASHMIR AND LADAKH

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