

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

Reserved on: 11.11.2025

Pronounced on: 14.11.2025

Uploaded on: 14.11.2025

*Whether the operative part
or full judgment is
pronounced: **Full***

WP(C) No.2176/2023

UMER MUKHTAR MIR

...PETITIONER(S)/APPELLANT(S)

Through: - Mr. Javaid Hameed, Advocate.

Vs.

UT OF J&K & ANR.

...RESPONDENT(S)

Through: - Ms. Maha Majeed, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) Through the medium of present petition, the petitioner has challenged order bearing No.37/FOREST dated 24.06.2023, whereby his claim for grant of wages at the rates applicable to skilled category of labourers has been rejected. The petitioner has also sought a direction upon the respondents to treat him as skilled worker and to pay him minimum wages as per S.O. 513 of 2022 dated 12.10.2022.

2) The case set up by the petitioner is that pursuant to advertisement notice issued by the Forest Department for

engagement of manpower in the Jammu and Kashmir State CAMPA (Forest Department) on need basis, he participated in the selection process and was engaged as an Orderly in the respondent department vide order dated 12.07.2013. It has been submitted that the petitioner was deputed as a Computer Operator and he has been functioning as such till date.

3) According to the petitioner, in terms of S.O. 513 of 2022, the skilled category of workers is entitled to minimum daily wages of Rs.483/ and, therefore, because the petitioner is functioning as a Computer Operator, which falls under the category of 'skilled workers', he is entitled to wages at the aforesaid rate. It has been submitted that the respondent department without any reason or justification has placed the petitioner in unskilled category and he is being paid wages at the rate of unskilled workers.

4) It seems that the petitioner had filed a writ petition bearing WP(C) No.1249/2023 before this Court for the relief which is being sought in the present writ petition, which came to be disposed of by this Court in terms of order dated 24.05.2023, whereby the respondents were directed to consider the case of the petitioner in accordance with law as well as S.O. 513 of 2022.

5) Pursuant to the aforesaid order passed by this Court, the respondents considered the case of the petitioner and rejected his claim in terms of impugned order dated 24.06.2023.

6) The petitioner has challenged the impugned order on the grounds that the same is illegal and arbitrary in nature. It has been submitted that the petitioner has been working as Computer Operator for the last about 10 years and his post falls under ministerial category in terms of SRO 335 of 1991, therefore, he is entitled to be paid minimum wages under the category of skilled labourers or under the ministerial category. It has been contended that the status of the petitioner is being denied by the respondents without any reason or justification. It has been further contended that the respondents have paid minimum wages to the employees holding the post of Computer Operator, Driver, Office Assistant, Accounts Assistant by treating them as ministerial/skilled category but in the case of the petitioner, a different yardstick is being applied.

7) The respondents have contested the writ petition by filing their reply, in which it has been submitted that the categorization of need based workers in CAMPA is based on educational and technical qualification. It has been submitted that the petitioner had applied for the post of

Orderly, pursuant whereto, he was appointed as such vide order dated 12.07.2013 for a period of one year, whereafter his term was extended on yearly basis from time to time. It has been submitted that the engagement of the petitioner is not against any regular or temporary post and he is being paid in accordance with minimum wages notified by the Department of Labour and Employment vide S.O. No.513 of 2022. Thus, the petitioner is being paid an amount of Rs.9330/ per month by calculating his wages as unskilled worker.

8) It has been submitted that if the petitioner was having technical qualification in Computer Science, he should have applied for the post of Computer Operator and not for the post of Orderly and once he has been engaged on the post of Orderly, he cannot claim wages of a skilled worker. It has been contended that the consideration order has been passed by the respondents keeping in view the factual and legal position applicable to the case and that the same is perfectly in accordance with law. It has been further contended that SRO 335 of 1991 dated 28.11.1991, by virtue of which the J&K Subordinate Service Recruitment Rules have been notified do not apply to the case of the petitioner as he is not on the permanent establishment of the J&K Forest Department.

9) I have heard learned counsel for the parties and perused record of the case.

10) The contention of the petitioner, in brief, is that he is functioning as a Computer Operator with the respondent Department, as such, he is entitled to be paid wages on the rates fixed for skilled workers in terms of S.O. 513 of 2022. In this context, if we have a look at the engagement order dated 13.07.2013 issued in favour of the candidates who were selected by the respondent Department on need basis, it is revealed that the petitioner has been engaged as an Orderly and it is also recorded in the order of engagement that he is computer knowing. However, the fact of the matter remains that he has been engaged as an Orderly.

11) A closer look on engagement order dated 13.08.2013 reveals that some of the candidates have been selected as Computer Operators as well. The contention of the respondents is that the petitioner had applied for the post of Orderly and not for the post of Computer Operator and for this reason, he was engaged as an Orderly. This contention of the respondents seems to be justified because the petitioner, despite being computer knowing, had applied only for the post of Orderly, to which he was selected. Once the petitioner was selected for the post of

Orderly, he cannot claim wages which are fixed for the post

of Computer Operator or any other post categorized as 'skilled'. Merely because the petitioner is computer knowing does not entitle him to the wages under the skilled category. An employee or a worker is entitled to wages attached to a post/position. He cannot claim wages attached to a higher post/position merely because he is qualified to hold such post/position.

12) In view of what has been discussed hereinabove, once it is admitted by the petitioner that he was engaged as Orderly, he cannot claim wages attached to the post of Computer Operator even if he is computer knowing and even if he may be assisting the respondent Department in matters relating to computer operations. This Court, therefore, does not find any merit in the contention of the petitioner.

13) For the foregoing reasons, I do not find any merit in this writ petition. The same is dismissed accordingly. Interim direction, if any, shall stand vacated with immediate effect.

(SANJAY DHAR)
JUDGE

Srinagar
14.11.2025
"Bhat Aftab"

Whether the Judgment is speaking:	Yes
Whether the judgment is reportable:	Yes/No