

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

**WP (C) No. 2187/2026
CM No. 5941/2026**

Suriya Bano (40 Years)
D/O Ghulam Mohammad Peer
R/O Drugmulla, Kupwara

... Petitioner(s)

Through: -

Mr Bhat Fayaz Ahmad, Advocate with
Ms Nighat Amin, Advocate.

V/s

- 1. Union Territory of Jammu & Kashmir,**
Through Commissioner/ Secretary to Government,
Health and Medical Education Department,
Civil Secretariat, Srinagar.
- 2. Mission Director, National Health Mission**
Jammu & Kashmir.
- 3. District Development Commissioner,**
Chairman District Health Society, Kupwara.
- 4. District Health Society, through its Convenor,**
Kupwara/ Chief Medical Officer, Kupwara.
- 5. Medical Superintendent,**
Sub-District Hospital, Kupwara.
- 6. Block Medical Officer,**
District Kupwara.

... Respondent(s)

Through: -

Mr Faheem Nisar Shah, Government Advocate.

CORAM:

HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(ORDER)

11.09.2026

01. The Petitioner, through the medium of this Petition, claims that her services, along with other similarly outsourced Multi-Tasking Staff (MTS), including Housekeeping, Security and Laundry personnel, were ordered to be disengaged by the District Health Society, Kupwara vide

communication No. CMOK/NHM/Kup/802-05 dated 28th of July, 2026 issued by Respondent-Chief Medical Officer, Kupwara, whereby the Medical Superintendent, Sub-District Hospital, Kupwara and the Block Medical Officer, Kupwara have been directed to disengage/ withdraw all outsourced MTS engaged through M/S COMTECH Info Solutions Private Limited, Srinagar, on the ground that the said services have not been approved under the National Health Mission for the financial year 2026-27. The Petitioner, therefore, has prayed to seek quashing of the impugned communication dated 28th of July, 2026, to the extent it directs the disengagement/ withdrawal of the Petitioner from her engagement as Multi-Tasking Staff/ Data Entry Operator and to direct the Respondents to permit her to continue against the existing post/ assignment, restraining the Respondents not to single out or selectively disengage the Petitioner, when similarly situated personnel engaged for identical or substantially similar work are continuing elsewhere in the Union Territory of Jammu & Kashmir.

02. Learned Counsel appearing for the Petitioner, while reiterating the grounds pleaded in the Petition, submits that the Petitioner having been sponsored by M/S COMTECH Info Solutions Private Limited, along with some other candidates, had been deputed to the office of Block Medical Officer, Kupwara after a selection process for the post of Multi-Tasking Staff, with the request to accept their joining report, so that they can offer them an appointment after getting their joining report duly attested by him vide reference No. CIS/2024-25/80 dated 31st of August, 2024. It is further submitted that the Petitioner had submitted her joining report with the Block Medical Officer, Kupwara on 2nd of September, 2024.

03. The learned Counsel for the Petitioner would further argue that the Petitioner apprehends that her services may be discontinued in view of the impugned communication made by the Chief Medical Officer, Kupwara to the Medical Superintendent, Sub-District Hospital Kupwara and the Block Medical Officer, Kupwara. He has further argued that the Respondents cannot substitute the position held by the Petitioner by way of

another similar arrangement as against the Judgment of the Supreme Court on the subject.

04. Learned Counsel for the Petitioner has also argued that the Petitioner can maintain this Writ Petition against the Respondents as her services have been placed at the disposal of the Respondents and under whose orders her services can be disengaged. He has, therefore, prayed that till the disposal of the Petition, the Petitioner's present position be protected.

05. When this matter was taken up for consideration on motion hearing on 7th of September, 2026, Mr Faheem Nisar Shah, learned Government Advocate, had appeared on behalf of the Health and Medical Education Department and asked to report instructions in the matter, and, in the meanwhile, it was directed that till next date of hearing before the Bench, *status quo* be maintained.

06. Mr Faheem Nisar Shah, learned Government Advocate, based on instructions, submits that the Petitioner cannot maintain this Petition against the Respondents as she is not on the rolls of their employment; that she is not being paid her salary/ wages by the Respondents; that her services had been made available to the Respondents, along with some other candidates, having been deputed by M/S COMTECH Info Solutions Private Limited under a contract, however, the National Health Mission has not approved the engagement of such a staff for the current financial year, as such, the Respondent-Department had taken steps to not hire the services of such outsourced staff, having been sponsored from M/S COMTECH Info Solutions Private Limited.

07. The learned Government Advocate further submits that the Petitioner can have remedy against the Company, who had hired her services and cannot enforce any of her rights against the Respondents. He has finally prayed that this Petition, being not maintainable, be rejected outrightly.

08. Heard and considered.

09. Admittedly, the services of the Petitioner were not hired directly by any of the Respondents herein. Instead, her services, along with

some other candidates, were placed at the disposal of Respondents No. 5 and 6, having been engaged by M/S COMTECH Info Solutions Private Limited, with whom the Respondent-Department had a contract for providing such staff under a scheme of outsourcing. The Respondents are bound by the Contract between them and the Company, but not with any of its staff deputed to the Respondents.

10. It is also an admitted fact that the Petitioner and other staff engaged with her by M/S COMTECH Info Solutions Private Limited, whose services are placed at the disposal of the Respondents, are paid their salary/ wages by the said Company itself, who has control over them and the Petitioner, as such, had to only provide her services to the Respondents on behalf of the Company, who had engaged her. Therefore, in such a situation, there is neither any relationship of employer and employee existing between the Petitioner and the Respondents, nor any direct contract between the Respondents and the Petitioner, as such, this Writ Petition is not maintainable, inasmuch as, the Petitioner has no cause of action against the Respondents.

11. Viewed thus, the present Petition is **dismissed**, along with the connected CM. Interim direction dated 7th of September, 2026 shall stand vacated.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
September 11th, 2026
"TAHIR"