

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

Reserved on: 03.07.2026

Pronounced on: 10.07.2026

Uploaded on: 10.07.2026

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

WP(C) No.3251/2023

FATIMA AMIN & ORS.

...PETITIONER(S)

Through: - Mr. M. A. Beigh, Advocate.

Vs.

UT OF J&K & ORS.

...RESPONDENT(S)

Through: - Mr. Faheem Nisar Shah, GA.

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

JUDGMENT

1) The petitioners, through the medium of present petition, have sought a direction upon the respondents to pay the incentive of Rs.6,000/ per month in favour of the petitioners who are working in different HWC Sub Centers and Medical Aid Centers falling in inaccessible/difficult areas.

2) As per case of the petitioners, they have been working with the respondents under the scheme National Health Mission, which was launched in the year 2005 under National Rural Health Mission. It has been submitted that the petitioners came to be selected and engaged on contractual basis as Multipurpose Health Workers (Female) and Multipurpose Health Workers (Male) during the years 2011 to 2017. It has been submitted that all the petitioners are

presently working at their respective places of posting as Multipurpose Health Workers. The petitioners have mentioned the places of their posting in the petition, which fall within the districts of Bandipora and Kupwara.

3) It has been submitted that at the time of their engagement, the petitioners were being paid remuneration at the rate of Rs.12,000 per month, which was increased at the rate of 5% per year and at present, they are getting monthly remuneration of Rs.25,000 each. It has been submitted that the petitioners are working in some of the most difficult and inaccessible areas of Gurez in District Bandipora, Keran and Machil of District Kupwara. It has been further submitted that as per the decision taken by the Executive Committee of the State Health Society, NHM, on 11.10.2022, the persons working in inaccessible areas are entitled Rs.6,000 per month as extra allowance and, therefore, the petitioners are also entitled to the said amount.

4) It has been submitted that initially the extra allowance was admissible only to Paramedical Staff, but later on, vide Government Order dated 25.04.2023, the extra allowance has also been made admissible in favour of management staff of National Health Mission posted in these inaccessible areas. According to the petitioners, the respondents are under a legal obligation to release extra allowance of Rs.6,000 per

WP(C) No.3251/2023

month in their favour, but the same is being denied by the respondents. Hence the present petition.

5) The respondents have filed their reply to the petition, in which it has been submitted that all the activities under the ambit of National Health Mission (NHM), J&K, are being approved and financed to the extent of 90% by the Ministry of Health and Family Welfare, Government of India. It has been submitted that the Ministry of Health and Family Welfare, Government of India, has approved additional support/incentive for the staff working in inaccessible areas. Initially, in terms of decision dated 11.10.2022 of the Executive Committee, this incentive was extended in favour of manpower other than Medical Officers and it was decided that paramedical staff posted in these areas should be paid difficult area incentives @Rs.6,000, 4,000, and 2,000 per month, falling in category A (Inaccessible), category B (Very Difficult Area) and category C (Difficult Area) respectively. It has been further submitted that vide decision dated 25.04.2023 of the Executive Committee, the Paramedical staff and management staff on the pay roll of NHM posted in the areas covered in the list were also held entitled to difficult area allowance @Rs. 6,000, 4,000 and 2,000 per month.

6) It has been further submitted that pursuant to interim direction dated 15.12.2003 passed in the present writ

petition, the respondents have constituted an inter-organizational committee of officers to revise and list of health institutions, falling under difficult and hard areas within whole of Union territory of Jammu and Kashmir.

7) Heard and considered

8) There is no dispute to the fact that the petitioners are working as Multi-Purpose Health Workers in different health institutions of UT of J&K which are located within Bandipora and Kupwara districts. It is also not in dispute that the respondents have decided to extend the benefit of extra allowance to the Paramedical staff posted in inaccessible areas @Rs. 6,000 per month, very difficult areas @Rs. 4,000 per month and @Rs.2,000 per month for the staff posted in difficult areas. The claim of the petitioners is that they are posted in inaccessible areas and, as such, they are entitled to extra allowance @Rs. 6,000 per month in terms of the decision taken by the respondents to extend the facility of extra allowance to Paramedical Staff posted in these areas.

9) If we have a look at the orders issued by the respondents from time to time, whereby extra allowance has been made admissible to Paramedical Staff posted in inaccessible areas, very difficult areas and difficult areas, it comes to the fore that these areas have been clearly identified and divided into categories A, B and C. In category A, inaccessible areas have

been included, in category B, very difficult areas have been included whereas and in category C, difficult areas have been included. The petitioners have mentioned their places of posting in the writ petition. None of the places in which the petitioners are presently posted, fall in categories A, B and C of District Bandipora and District Kupwara. Therefore, as on date, the petitioners cannot claim extra allowance in terms of the decisions taken by the respondents from time to time.

10) The petitioners are working on contractual basis with the respondents on the terms and conditions provided in their contract of service. They cannot claim remuneration over and above what is provided in the terms and conditions of the contract. It is only if the employer decides to enhance the remuneration of the petitioners or decides to enhance the incentives in favour of the petitioners, that they are entitled to claim the same. In fact, taking note of the grievance of the petitioners, the respondents have already constituted a committee to revise the list of inaccessible areas, very difficult areas and difficult areas. If grievance of the petitioners is found genuine, then, of course, the places where they are posted can be included in the list. However, until that is done, the petitioners cannot claim extra allowance from the respondents.

11) For what has been discussed hereinabove, I do not find any merit in this petition. The same is dismissed accordingly. However, notwithstanding the dismissal of this writ petition, the respondents shall proceed to revise the list of places to be included in inaccessible, very difficult and difficult categories of postings, so as to the extend the benefit of extra allowance to the petitioners and similarly situated persons.

12) The record be returned to learned counsel for the respondents.

(Sanjay Dhar)
Judge

SRINAGAR

10.07.2026

"Bhat Altaf-Secretary"

Whether the **judgment** is reportable: **YES/NO**

