



UNION TERRITORY OF JAMMU & KASHMIR
DIRECTORATE OF HEALTH SERVICES, JAMMU

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Subject:-SWP No.1963/2016, MP No. 1/2016 titled Naresh Kumar Vs State & Ors.

ORDER

Whereas, the Hon'ble High Court of J&K and Ladakh at Jammu has disposed of the above titled writ petition, on 17-09-2016, with the judgment/direction whose operative portion reads as under:-

“Learned counsel for the petitioner submits that the petitioner would feel satisfied, if writ petition is disposed of with a direction to respondents to accord consideration to the petitioner’s case for release of his pay scale in terms of SRO 149 of 1973 within reasonable time frame.

The writ petition, at request is disposed of with a direction to the respondents to accord consideration to petitioner’s case for release of his pay scale in terms of SRO 149 of 1973, if petitioner is eligible and of course under rules, within a period of six weeks from the date a certified copy of this order is served upon them. Petitioner is at liberty to file representation before the respondents’ alongwith copy of the writ petition and its annexures so as to enable them to take early decision in the matter.”

Whereas, the petitioner by filing the writ petition has sought directions to command and direct the respondents to fix and grant the petitioner the pay scale admissible to skilled workers as defined in Jammu & Kashmir Civil Services (Revised Pay) Rules, 1973 i.e. SRO-149 of 1973 and thereafter give all the pay scales revised after the appointment of the petitioner from time to time and further commanding and directing the respondents to give the petitioner all consequential benefits to which he is entitled to on account of the higher pay scale fixed in terms of Rules of 1973 i.e. SRO 149 with promotions, other perks from the date of appointment till date to settle his pension accordingly, and;

Whereas, the issue with regard to extension of benefit under SRO-149 of 1973 is pending in the Hon'ble Supreme Court of India in SLP No:- 2952/2019 titled the State of Jammu and Kashmir Vs Provincial Power Employees Union and the Hon'ble Supreme Court in this SLP has passed an order dated 31-01-2019 which is reproduced as under:-

“Taken on board.

Heard Mr. Vijay Hansaria, Learned Senior Counsel for the petitioners and Mr. Ghan Shyam Vasisht, Learned Counsel for the respondents.

There shall be stay of the impugned judgment until further orders”.

Whereas, the Department of Law, Justice and Parliamentary Affairs vide Circular No:-01-JK(LD) 2019, dated 26-11-2019 has enjoined upon all to follow the aforementioned order of the Hon'ble Court in its letter and spirit and no order shall be passed which will come in conflict with the Order dated 31-01-2019 passed by the Hon'ble Supreme Court.


Now, therefore, the case of the petitioner for release of his pay scale in terms of SRO 149 of 1973 is accorded consideration and in view of the matter with regard to extension of benefits under SRO-149 of 1973 is under consideration of Hon'ble Supreme Court of India and the instant case involves the same legal issue as such is put off till final disposal of the SLP.

NO: DHS-J/leg d/ 3407-16
Dated: 04-06-2022

Sd/-
(Dr. Saleem-Ur-Rehman)
Director Health Services,
Jammu

Copy to the:-

1. Director General Family Welfare, MCH & Immunization, J&K for information.
2. State Malariologist, Jammu for information.
3. Private Secretary to Principal Secretary to Govt., Health and Medical Education Department, Civil Secretariat, Srinagar/Jammu for information. This has reference to Administrative Department's letter No:-HD-Lgal/20/2022-02(CC-123976), dated 04-05-2022.
4. Naresh Kumar S/O Late Sh. Mulkh Raj R/O H.No. 102, Lane No. 27 Rajpura Mangotrian, Jammu for information.


(Dr. Deepak Kapoor)
Dy. Director Health Services (HQ)
Jammu

