



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

Near MLA Hostel, Indira Chowk Jammu, J&K Pin: 180001

E-mail: dhsjammu@rediffmail.com, dhsjammu@gmail.com

Tel. No. : 0191 - 2546338, 0191-2549632 Fax No. 0191-2549632

Subject:-SWP No.521/2017, MP No. 1/2017 titled Sudesh 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 08-03-2017, with the judgment/order whose operative portion reads as under:-

“At request, this petition is disposed of, at its threshold, with a direction to the respondents to consider the claim of the petitioner strictly under rules for release of his pay scale in terms of SRO 149 of 1973 within a period of six weeks from the date a certified copy of this order along with complete set of writ petition is made available to them, provided the above said judgments are applicable to the case of the petitioner.”

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 reliefs which he is entitled to on account of the higher pay scale fixed in terms of Rules of 1973 i.e. SRO 149 with seniority, promotions and other perks etc from the date of appointment till date, 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 deferred till final outcome of the SLP.

NO:- DMS-5/legd/3401-06
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. 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-NG-J/121/2021-02, dated 25-04-2022.
3. Sh. Sudesh Kumar S/O Mulkh Raj R/O Dhounthli Bazar, Jammu for information.


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

