

Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat Srinagar

Subject: SWP No. 1279/2013 titled Sheikh Abdul Rashid and others
V/s State of J&K & others.

Government Order No. 261 -PW(R&B) of 2020

Dated: 16.07.2020

Whereas, petitioners (Draftsmen) had filed the above titled writ petition before the Hon'ble High Court at Jammu, inter-alia on the various grounds praying therein for directing the respondents to place the petitioners in the higher grade of Rs. 5150-8300 (PR) in light of the judgment dated 21.11.2008 passed by the Hon'ble Court in SWP No. 2047/2003 titled Sham Paul Randhawa&Ors V/s State of J&K &Ors; and

Whereas, the writ petition of the petitioners was disposed of by the Hon'ble High Court vide order dated 28.03.2014, the operative part of which reads as under:-

“in the given circumstances, the writ petition is allowed and by writ of mandamus, respondents are directed to pass appropriate orders; place the petitioner in higher grade initially from the date of their appointments as Draftsmen instead of lower grade to which they be also be given all the consequential benefits on the same analogy, which has been adopted in the case of petitioners of SWP NO. 2047/2003 in the shape of Govt. Order No. 91-PDD of 2013 dated 22.03.2013.”

Whereas, the department assailed the said judgment through the medium of LPA(SW) No. 84/2016 on the advise of Law Department which was however dismissed by the Hon'ble Division Bench; and

Whereas, after the dismissal of the LPA by the Hon'ble Division Bench, the matter was taken up with the Law Department for their advice, who vide their U.O No. LS/SC(2019)-26-PWD dated 10.04.2019 returned the file with the following advice:

“Returned. Department is advised to file SLP against the judgment dated 14.02.2019 passed by the Hon'ble Division Bench in LPA(SW) No. 84/2016 titled State of J&K and others V/s Sheikh Abdul Rashid and others through G.M. Kawoosa, Additional Standing Counsel for J&K State, Supreme Court of India, 133, New Lawyers Chamber, New Delhi who has been engaged to contest the SLP and copy of the engagement letter is placed alongside of the file.”

Whereas, on the above advice of the Law department filed SLP which was registered as Dairy No. 39064/2019 and the same was dismissed by the Hon'ble Supreme Court vide order dated 09.12.2019; and

Whereas, pursuant to the dismissal of the SLP the department took up the matter with the Law Department vide U.O No. PW/R&B/Legal/636/2014 dated 15.01.2020, who returned the file with the following advice:-

"Returned. The case has attained finality after dismissal of SLP titled State of J&K and others v/s Sheikh Rashid Ahmad and others vide order dated 09.12.2019. As, such the department is advised to implement the judgment in letter and Spirit."

Whereas, the department took up the matter with the Finance Department also who vide their U.O No. A/24(98)-I-296 dated 11.03.2020 returned the file with the following advice:-

"Returned. Finance Department conveys agreement to the implementation of judgment of Hon'ble Court by the department and any emoluments / benefits outside recruitment rules should be treated as personal pay and future issues should be handled strictly as per Recruitment Rules."

Now therefore, in compliance to the Order dated 28.03.2014 passed in SWP No. 1279/2013 and advice of Law Department coupled with the concurrence of Finance Department, sanction is hereby accorded to the release of Scale/Grade of Rs. 5150-8300 (Pre-revised) in favour of petitioners, forming Annexure-A to this Government Order, from the date of their initial appointment as Draftsmen.

By order of Government of Jammu and Kashmir.

-Sd/-

(Shailendra Kumar) IAS,
Principal Secretary to Government
Dated: .07.2020

No. PW(R&B)PLO/636/2014

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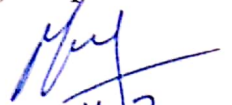
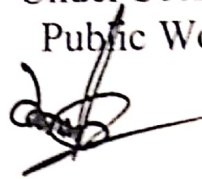
1. Principal Secretary to the Hon'ble Lt. Governor..
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Chief Engineer, Public Works (R&B) Kashmir.
4. Chief Engineer Jal Shakti Department Kashmir (PHE)
5. Director Archives, Archeology & Museums J&K, Srinagar.
6. OSD with Advisor (B) for information to Hon'ble Advisor.

7. Pvt. Secretary to Principal Secretary to Government, Public Works(R&B) Department.
8. Concerned.
9. Government order file/ Stock file.
10. Monday Return (w.s.3. c) .
11. Website .



(Naseema Nazir)

Under Secretary to the Government
Public Works (R&B) Department


16/7

“Annexure-A”

Annexure- A to the Government Order No. 201 -PW(R&B) of 2020
Dated 16 .07.2020

S. No.	Name of petitioners	Father Name
1.	Sheikh Rashid Ahmed	Ghulam Hassan Sheikh
2.	Showkat Ahmad Wani	Ghulam Ahmad Wani
3.	Javeed Ahmed Chadroo	Ghulam Rasool Chadroo
4.	King Pal Singh	Gurbash Singh
5.	Abdul Alla Tak	Zahoor Ahmad Tak



(Naseema Nazir)

Under Secretary to Government,
Public Works(R&B) Department

