



GOVERNMENT OF JAMMU AND KASHMIR  
**PUBLIC WORKS (R&B) DEPARTMENT**  
Civil Secretariat, J&K

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**Subject:** - CCP (D) No. 6/ 2024 in WP (C) No. 1722/ 2021 titled Shiekh Mohammad Hussain and Ors Vs UT of J&K and Ors.

**Government Order No. 230 of PW (R&B) of 2024**

**Dated: -07.08.2024**

*Whereas*, the Jammu & Kashmir Government issued Jammu and Kashmir Civil Service (Revised Pay) Rules, 1992 vide **SR0 75 dated 30.03.1992** wherein the pay scales of Government employees were revised. District & Session Judges/ selection Grade District and Session Judges of Jammu & Kashmir State approached the Hon'ble High Court by way of **SWP No. 529/ 1992 titled "T.N. Bhat & others v/s State and others"** with the prayer that they have been given lower pay scales of **Rs. 3700-5000 and 4500-5700 in 1992**, against the old pay scales of Rs 3150-4500 and Rs 3300-5050 (appearing at S. No. 23 & 25 respectively of the schedule to the SR0-75 of 1992) instead of the appropriate pay scales i.e., Rs. 4500- 5700 and Rs. 5100-6300 respectively; *and*,

*Whereas*, Hon'ble High Court vide its judgement dated 17.04.1996 quashed the fixation of their pay scales as **Rs.3700-5000 and Rs 4500-5700** and directed the respondents to treat them to have always been in the Pay Scale appearing at S. No. 25 & 26 of the schedule to notification SR0-75 dated 30.03.1992 i.e., Rs 4500-5700 and Rs. 5100-6300 respectively, right from date of its issuance, with all the consequential benefits to them including the payment of arrears for the past. Said judgement was implemented by the State Government by issuing **SR0-163 dated 13.06.2005**; *and*,

*Whereas*, Superintending Engineers of various departments filed a writ petition before the Hon'ble High Court bearing SWP 1608/92 (**Santosh Singh & others Vs State**) for grant of same analogy as have been granted to District and Session Judges vide SR0-163 dated 13.06.2005. The Hon'ble High Court disposed of the writ petition with the directions to the respondents **to grant the petitioners the Pay Scale of Rs 4500-5700 w.e.f., 01.04.1987 in accordance with SR0-75 dated 30.03.1992 at par with District and Session Judges**; *and*,

*Whereas*, vide **Government Order No. 239-F of 2013 dated 30.11.2013**, orders of Hon'ble High Court was implemented and accordingly sanction for grant of the **Pay Scale of Rs. 4500-5700 revised to Rs. 14300-18300** and further revised to **Pay Band 4 of Rs 37400-67000 + Grade Pay of Rs. 8700** was ordered in favour of

petitioners (Superintending Engineers) namely **Shri Santokh Singh, Shri V.K. Raina, Shri P.N. Gupta & Shri Gajan Singh notionally from 1.4.1987 and monetarily from 1.4.1990** at par with Pay Scale held by District & Session judges; *and,*

**Whereas,** further vide Government No. 139-F of 2018 dated 26.03.2018, extended the benefit of the judgment passed in SWP No. 1608/1992 titled "**Santokh Singh & Ors Vs State of J&K & Ors**" to the petitioner **Superintending Engineers in CMA No. 188/2013** titled "**Er. Saif-ud-Din Shangloo and Ors Vs State of J&K & Ors**". However, the Hon'ble High Court on 28.08.2018 desired to issue an SRO in the same manner as issued in the case of District and Sessions Judges; and,

**Whereas,** in compliance to the orders of the Hon'ble High Court dated 28.08.2018, Government of Jammu & Kashmir extended the benefit to the non-petitioners also and accordingly issued notification vide SRO-403 dated 14th September, 2018 wherein the pay scales of **Superintending Engineers were upgraded from Rs. 3150-4500 to Rs. 4500-5700 notionally w.e.f., 01-04-1987** and monetarily w.e.f. 01-04-1990; *and,*

**Whereas,** the petitioners namely **Er. Sheikh Mohammad Hussain and Ors,** filed **SWP No. 2134/2020** before the Hon'ble High Court of Jammu & Kashmir at Srinagar with the prayer that the cascading effect of the revision of Pay Scale of Superintending Engineers in terms of SRO 403 of 2018 in the higher post of Chief Engineer and Development Commissioner has not been mentioned in the said SRO which has resulted in denial of the benefits which were otherwise available to them. The said writ petition was transferred to the Hon'ble Central Administrative Tribunal, Jammu Bench for adjudication. The Hon'ble Central Administrative Tribunal on 22.03.2021 disposed of the aforesaid case bearing TA No. 3749/2021 with the following directions:

**"We, therefore, dispose of the T.A., directing the competent authority, i.e., respondent Nos. 1 and 2, to pass appropriate orders on the representations submitted by the applicants on 03.09.2018 and subsequent thereto, within three months from the date of the receipt of a copy of this order. We, however, make it clear that we did not express any view on the merits of the matter. Any benefit, which may result on account of such revision, shall be prospective in nature."** *and,*

**Whereas,** in compliance to the Hon'ble CAT Order, the Finance Department issued a detailed/ speaking consideration order rejecting the claim of the petitioners which was assailed by the petitioners in the instant Writ petition bearing WP (C) No. 1722/ 2021. The said writ petition was disposed of vide order dated 10.08.2023 with the following operative portion: -



"...Thus from the perusal of the aforesaid affidavit and the chart mentioned in the said affidavit, it is clearly evident that since the issuance of SRO-149 of 1973 dated 07-04-1973 till SRO-193 of 2018 dated 24-04-2018, the Chief Engineer was placed at a higher pay scale at level-13 (123100-215900) and Superintending Engineer was placed at the lower level-12 (78800-209200). However, subsequently while the pay scale of Superintending Engineer was revised in terms of SRO-403 of 2018 dated 14-09-2018 as mentioned above, there has not been corresponding revision of pay scale of the higher post of Chief Engineer. Thus, in the said table there is no mentioning of corresponding pay scale of Chief Engineer when the pay scale of Superintendent Engineer was shown at Serial No.8 of the above table.

There can be no dispute to the legal proposition that the Chief Engineer being a higher post than the Superintending Engineer will be legally entitled to higher pay scale. As to what higher pay scale is to be given to the Chief Engineer, it certainly would be in the wisdom of authority. However, by any stretch of reasoning, the Chief Engineer cannot be placed at the same pay scale and at par with the Superintending Engineer which is a lower post which is reflected in the Government Order No. 22-JK(GAD) of 2023 dated 06-01-2023. Conferring same pay scales to two posts of different hierarchy certainly would violate Article 14 and 16 of the Constitution of India. Accordingly, we are of the view that the pay scale of the Chief Engineer would be required to be revised correspondingly vis-à-vis the post of Superintendent Engineer by making it higher than the one granted to the Superintendent Engineer.

Accordingly, we allow this petition by modifying the order impugned order dated 22.03.2021 passed by the CAT with the direction that the Chief Engineers and other higher ranking engineers shall be entitled to corresponding higher pay scale than the one given to Superintending Engineers. The said exercise shall be undertaken by the authorities as early as possible preferably within a period of three months. We also make it clear that if any of the present petitioners are entitled to the benefit of higher pay scale, the same shall be granted to them.

Disposed of." *and,*

*Whereas,* aggrieved of the above judgment, Finance Department filed SLP before the Hon'ble Supreme Court of India. The SLP could not be listed before the Hon'ble Supreme Court due to certain curable defects, which defects have now been removed and the SLP is expected to be listed at an earliest before the Hon'ble Supreme Court;  
*and,*



**Whereas**, aggrieved of the non-implementation of above Judgement, Petitioner filed contempt petition No. 6/ 2024 before the Hon'ble High Court of J&K and Ors. The contempt petition was listed for hearing on **05.08.2024**. During the course of hearing, Hon'ble Court called for personal appearance of all the official respondents including Chief Secretary, J&K, Principal Secretary to the Government, Finance Department, Commissioner/ Secretary to the Government, General Administration Department and Secretary to the Government Public Works (R&B) Department. The Hon'ble Court further ordered for personal and physical appearance of above officers. Operative part of the order dated 05.08.2024 is reproduced herein as under:-

**"... 9. In order to restore a semblance of sanity by achieving compliance of its orders, this Court has to take precipitate measures and shall not hesitate to do so. It is, however, recording these observations herein so that the UT and the bureaucracy is put on guard that what has been happening till now with the orders of this Court shall no longer be tolerated. Once an order is passed, it shall be complied with in letter and spirit, stayed or set aside by a superior Court or a larger bench or, the contemnor be prepared to face the consequences for contempt of Court.**

**10. List this case on Thursday i.e., 08.08.2024 as case no. 1.**

**11. All the four contemnors herein are directed to remain present in person before this Court on the next date, as this Court could not conduct an effective hearing today on account of the absence of the Chief Secretary, the Contemnor No.1. If any of them does not comply with the direction for personal appearance on 08/08/2024, this Court shall resort to coercive measures to secure their presence. A copy of this order be given to the AG Office under signature of the Bench Secretary..."**

**Whereas**, in deference to the directions of the Hon'ble High Court passed in CCP (D) No.6/ 2024 passed vide order dated 05.08.2024, the matter was referred to Finance Department for accord of concurrence for upgradation of pay scale of Chief Engineers from Pay Level 13 (Grade pay 8700) to Pay Level 13-A (Grade pay 8900), even though, the SLP filed by the Government of Jammu and Kashmir has not been adjudicated upon by the Hon'ble Supreme Court of India; *and*,

**Whereas**, Finance Department vide U.O. No. FD-Code/111/2022-02-Part (5) - 238 Dated: 07.08.2024:-

**Returned- The proposal of the department (as at NP 252.2 of the departmental file) is concurred for extending the pay level-13A (grade pay Rs. 8900 (pre-revised) to the Chief Engineers. The Department is advised to seek approval of the competent authority. The Department**

*may also process the consequent amendment in Recruitment Rules as per the provisions /procedure under Transaction of Business Rules.*

*Further, considering the serious implications of the judgment for overall administrative structure of UT government, the Department may follow up on the SLP filed in the Apex Court."*

Now, therefore, in view of the above and in pursuance to directions passed by the Hon'ble High Court in CP (D) No. 06/2024 Dated 05.08.2024, sanction is hereby accorded to the upgradation of Pay Grade/ Level of Chief Engineers of Public Works (R&B) Department from Pay Level 13 (123100-215900) Grade Pay 8700 (pre-revised) to Pay Level 13-A (131100-216600) Grade Pay 8900 (pre-revised) as concurred by the Finance Department.

This order is however, subject to outcome of SLP Diary No.27885/2024 pending before the Hon'ble Supreme Court of India.

**By order of the Government of Jammu and Kashmir.**

**Sd/-**


**(Bhupinder Kumar) IAS,**  
Secretary to the Government,  
Public Works (R&B) Department.

PWD-LIT/265/2021-05 (65997)

Dated: 07.08.2024

Copy for information to the:-

1. Learned Advocate General, J&K.
2. Joint Secretary (JKL), Ministry of Home Affairs, Government of India.
3. Accountant General, (A&E) J&K, Srinagar/Jammu.
4. Director Archives, Archeology & Museum J&K, Srinagar.
5. Special Secretary to Chief Secretary, J&K.
6. OSD to Advisor (B) for information.
7. Private Secretary to Principal Secretary to the Government, Finance Department.
8. Private Secretary to Commissioner/ Secretary to the Government, General Administration Department.
9. Private Secretary to Secretary to the Government, Law, Justice & PA Department.
10. Private Secretary to Secretary to the Government, PW (R&B) Department.
11. Government Order file (w.2.s.c).
12. I/c Web site of the Department.

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