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Government of Jammu & Kashmir (U.T.)
Public Works (R&B) Department (Legal Section)
Civil Secretariat, J&K.

Subject: OA No. /2022 titled Abdul Majeed Kumhar V/s UT of J&K and others.

Government Order No. 87 - PW(R&B) of 2023

Dated: 27-02-2023.

Whereas, the applicants has challenged the circular bearing endorsement No. FD-Code/486/2021-02-1489 dated 20.01.2022 issued by the non-applicants, seeking setting aside the same, so far as it relates to the applicants.

Whereas, the applicants vide representation dated 25.02.2022, has requested the Finance Department that the impugned circular Endorsement No. FD Code/486/2021-02-1489 dated 20.01.2022 issued by the said department may be set-aside by passing appropriate orders.

Whereas, through the instant original application filed by the petitioner(s) has prayed before the Hon'ble Central Administrative Tribunal Bench for setting aside the circular instructions dated 20.01.2022 issued by the non applicant's, so far as the same relates to condition No. 4 in the form of checklist 4.

Whereas, Central Administrative Tribunal Bench Srinagar vide order dated 28.04.2022 has disposed of OA at the admission stage with the direction to the respondents/competent authority to consider the representation of the applicant's dated 25.02.2022 and dispose off the same by passing the reasoned and speaking order.

Whereas, the case of the petitioner has been referred to the Finance Department vide OM dated 07.07.2022 and in response thereto, the Finance Department vide its OM dated 06.01.2023 has advised the department to examine the representation of the applicants dated 25.02.2022 and issue the requisite consideration order in-compliance to order dated 28.04.2022 passed by the Hon'ble CAT.

Whereas, the Finance Department vide Government order No. 165-F of 2003 dated 11.08.2003 has clarified that the benefit of the selection orders as under:-

"That in J&K Civil Services (Revised Pay) Rules, 1987, the Appendix 2-A as inserted vide SRO-59 dated 06.02.1990 and further modified vide SRO-393 dated 27.11.1997 is hereby deleted with retrospective effect from the date of issue of J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 i.e. 15.01.1996."

Now, therefore, in view of the above and in compliance of the directions of Hon'ble Central Administrative Tribunal Srinagar Bench passed vide order dated 28.04.2022, claim of the applicant's has been examined and found not maintainable under rules, hence rejected.

By order of the Government of Jammu and Kashmir.

Sd/-
(Shailendra Kumar) IAS,
Principal Secretary to Government
Public Works(R&B) Department

No:-PWD-LIT/320/2022-05

Dated: 27-02-2023

Copy to the:-

1. Administrative Secretary to Government, Finance Department.

2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Director, Archives & Archeology & Museums J&K.
4. Chief Engineer, Public Works (R&B) Department Kashmir.
5. Additional Secretary (R/S) to Government, Public Works (R&B) Department.
6. OSD to Advisor(B) for information of the Hon'ble Advisor.
7. Private Secretary to Principal Secretary to the Government, Public Works(R&B) Department.
8. Concerned.
9. In-Charge Website PW(R&B) Department.
10. Government Order file/Stock file/Monday return file.

Karan Singh Aithmia
27.2.23

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