



Government of Jammu and Kashmir
Higher Education Department
Civil Secretariat, J&K, Jammu

Subject: Implementation of order dated 25-05-2018 passed in SWP 1033/2018 titled Ishtiaq Ahmad and Ors Vs State and Ors.

**Government order No: 27 -JK (HE) of 2022
Dated : 31 -01-2021**

Whereas; three applicants namely Ishtiaq Ahmad, Manoj Malhotra and Manish Bali have filed the representation for implementation of order dated 25-05-2018 passed in SWP 1033/2018 titled Ishtiaq Ahmad and Ors Vs State and Ors.

Whereas; the applicants filed writ petition bearing SWP 1033/2018 titled Ishtiaq Ahmad and Ors Vs State and Ors seeking benefits of SRO 149 on the touchstone of various judgments on the subject.

Whereas; the Hon'ble Court vide order dated 25-05-2018 disposed of the writ petition in the following terms:-

"Keeping in view the submissions made by the learned counsel for the petitioners and the relief sought for in the writ petition, with the consent of learned counsel for the parties, this writ petition is disposed off with a direction to the respondents to consider the case of petitioners for grant of benefits of SRO 149 dated 07.04.1973, if case of the petitioners is squarely covered by the judgments referred herein above, within a period of six weeks from the date a copy of the certified copy of this order served upon the respondent".

Whereas; the case was examined in the department and it was observed that SRO 149 of 1973 stands repealed by the Government since then and by now various pay revisions have been made/ extended from time to time and the pay scales at every level have been enhanced.

Whereas; upon examination it was also found that in other Government Departments, the similarly situated claims were also been raised and the matters are presently sub-judice before the Hon'ble Supreme Court of India.

Whereas; in a similar situated matters, the Power Development Department has filed 14 SLPs viz, { SLP© No.2952, 2953,2955/2019 } against Division Bench Judgment dated 08.05.2017 regarding grant of SRO 149.

Whereas; the Hon'ble Supreme Court of India vide order dated 31-01-2019 has stayed the impugned judgment passed in the case titled Provincial Power Employees Union Vs State of Jammu and Kashmir.

Whereas; taking note of above order, the Department of Law Justice & Parliamentary Affairs vide communication No. LD(Lit) 2018/115-SC/PDD dated

26.11.2019 has enjoined upon all the departments to follow the order of Hon'ble Supreme Court in letter and spirit and no order shall be passed which will come in conflict with the order dated 31.01.2019 passed by Hon'ble Supreme Court of India.

Whereas; the applicants/petitioners have filed contempt petition which is pending disposal before the Hon'ble Writ Court.

Whereas; Hon'ble Supreme Court of India is seized up the matter in similar cases filed by Power Development Department and there is clear cut advice of Department of Law, Justice & Parliamentary Affairs that no order shall be passed which will come in conflict with the order dated 31.01.2019 passed by Hon'ble Supreme Court, as such consideration to the claim of various petitioners needs to be deferred.

Whereas the orders referred to by the petitioners in their petition were issued by the department in 2014, 2016 and 2018 and relief has been sought by the petitioners on that analogy.

Whereas the government orders relied on by the petitioners as above are under examination of the department for their reconsideration/withdrawal.

Now, therefore, in compliance to the order dated 25-05-2018 passed in SWP 1033/2018 titled Ishtiaq Ahmad and Ors Vs State and Ors by the Hon'ble Writ Court, and in view of the pendency of the SLP© No.2952, 2953,2955/2019 titled Provincial Power Employees Union Vs State of Jammu and Kashmir and in view of the advice of the Department of Law Justice & Parliamentary affairs and subject to the decision in the SLP 1033/2018 , the representation of the petitioners cannot be considered at this stage.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Rohit Kansal), IAS

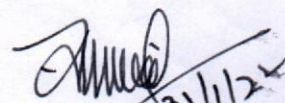
Principal Secretary to the Government,
Higher Education Department

No: HED-LEG/52/2021-04


Dated: 31-01-2022

Copy to the:

1. Joint Secretary Ministry of Home Affairs, GOI.
2. Director Colleges J&K. She is requested to file compliance report on the basis of Consideration order.
3. Private Secretary to Chief Secretary for kind information of the CS.
4. PS to Principal Secretary to Government, HED.
5. Govt. Order File (w.2 s.c).
6. Stock File.


(Javid Ahmed)

Additional Secretary to Government
Higher Education Department


31/01/22