

S.No. 02
Suppl. List.

HIGH COURT OF JAMMU AND KASHMIR **AT JAMMU**

SWP No. 2447/2018

IA No. 01/2018

Date of order: 30.11.2018

Sunil Sharma and others Vs. State of J&K and ors

Coram:

Hon'ble Mr. Justice Tashi Rabstan-Judge

Appearance:

For the petitioner(s) : Mr. Ankush Manhas, Advocate

For the respondent(s) : None.

1. In this petition, the petitioners are seeking the following reliefs:-

- i. Writ of Mandamus commanding the respondents to fix and grant the petitioners the admissible pay scale to skilled workers as defined in Jammu and Kashmir Civil Services (Revised) Pay Rules 1973 i.e. SRO 149 and directing the respondents for conferring all the benefits of pay scale to the petitioners revised after the appointment of the petitioner from time to time.
- ii. With a further direction to the respondents to maintain the pay scale of Rs.4000-6000 (pre-revised) granted in pursuance to the provisions of SRO 149 of 1973 vide Order No.CEJ(Rstab)/22389-22404 dated 20.03.2010 issued by the respondent No.2. i.e. Chief Engineer PWD (R&D) Department, Jammu.
- iii. With further directions to the respondents to give the petitioners all consequential relief on account of higher pay scale in terms of Rules of 1973 i.e. SRO 149 with seniority, promotion and other perks etc. from the date of appointment of the petitioner till date.

2. When the matter was taken up today, learned counsel for the petitioners submits that the case of the petitioners is squarely covered by a Division Bench Order dated 08.05.2017 passed in a bunch of writ petitions lead case being SWP No. 809/2001 and respondents 2 and 3 be directed to decide the case of the petitioners for grant of benefit of SRO 149 of 1973 dated 07.04.1973 in light of the law laid down by the Division Bench in the aforesaid case.
3. In view of the aforesaid submissions and in the facts of the case, the writ petition is disposed of with a direction to respondents 2 and 3 to consider the claim of the petitioners for grant of benefit of SRO 149 of 1973 in light of the law laid down by the Division Bench in order dated 08.05.2017 passed in a bunch of writ petitions, lead case being SWP No. 809/2001, provided the said judgment is applicable to the case in hand, by passing a speaking order within a period of two months from the date copy of this order along with complete set of paper book is served upon them.
4. With the aforesaid directions, the writ petition along with connected IA stands disposed of.

(Tashi Rabstan)
Judge

Jammu
20.11.2018
'Madan'