

Government of Jammu and Kashmir
Jal Shakti Department
Civil Secretariat, Jammu/Srinagar

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Subject: - CCP (S) No. 347/2022 in SWP No.265/2019 [WP(c) No.518/2019] SWP No. 655/2019 [WP(c) 1161/2019] CM 2467/2019[1/2019] & SWP No. 836/2019 [WP(c) 1482/2019] CM 3093/2019 [1/2019) titled Pawan Kumar Sapolia and others, Ganesh Dutt and others & Bodh Raj and others Vs State and Ors.

Government Order No. 74-JK(JSD) of 2025
Dated: 17.03.2025

1. Whereas, Shri Pawan Kumar Sapolia and others, Ganesh Dutt and others, and Bodh Raj and others (hereinafter referred to as petitioners) filed multiple writ petitions before the Hon'ble High Court at Jammu, bearing SWP No. 265/2019 [WP(c) No. 518/2019], SWP No. 655/2019 [WP(c) 1161/2019], CM 2467/2019 [1/2019] & SWP No. 836/2019 [WP(c) 1482/2019], CM 3093/2019 [1/2019], wherein the petitioners sought the following reliefs:

- (i) Quashing of the consideration orders passed by the Department, whereby their claims were rejected.
- (ii) Placement in the pre-revised grade of Rs. 5150-8300 and its corresponding revised grade.
- (iii) Accordance of consideration to their case in terms of Government Order No. 121-PW (Hyd) of 2014 dated 11.03.2014, issued pursuant to the Judgment dated 19.03.2013 in SWP No. 1154/2013, titled Mohit Trokha & Others Vs State and Others.

2. Whereas, the above mentioned writ petitioners challenged the departmental rejection of their claims for placement in the pre-revised/revised pay grades and to seek parity with the benefits extended in compliance with the aforesaid judgment and Government order; and

3. Whereas, the Hon'ble High Court, while considering the aforementioned writ petitions, clubbed these cases and disposed them of on 10.03.2020 with the following directions. The relevant portion of the judgment is reproduced as under:

"For the forgoing reasons, I am not persuaded to buy the reasoning given by the respondents in the rejection orders. And, accordingly, allow all these writ petitions and direct the respondents to re-consider the case of the petitioners for their placement in the higher pay scale of Rs. 5150-8300 on the same analogy, which was adopted by the respondents by granting the said pay scale to the writ petitioners in SWP No. 2047/2003 titled Sham Paul Randhawa v. State and others. Impugned consideration orders are, accordingly, set aside. Let fresh consideration order in all these matters be passed within a period of eight weeks from the date

certified copy of this judgment is served upon the respondents. The petitioners shall be entitled to all benefits which have been conferred on the writ petitioners of SWP No. 2047/2003.

Disposed as above along with connected CM(s)."

4. Whereas, the matter has been examined in the department at various levels and on perusal of the identical cases, the issue has been taken up with Department of Law, Justice and Parliamentary Affairs as well and the Department of Law vide U.O. No. LD(LIT)2020/ Sgr/04-PHE dated 28.09.2020, advised as under:

"Since the analogy/parity for grant of higher grade as claimed by the petitioner is itself in violation of the Statutory Rules/recruitment Rules and to extend the same to petitioner is full of implications to open a flood gate of an un-ending litigation the department may in compliance of the Hon'ble Court directions pass a fresh speaking consideration order having regard to the stand/ decision of the department in the matter."

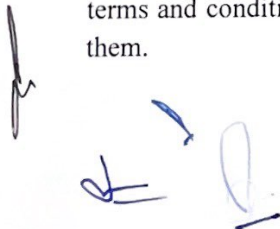
5. Whereas, thereafter the matter was also taken up with the Finance Department and the Finance Department advised as under.

"the department is advised to pass a fresh speaking orders, as directed by the Hon'ble Court on the basis of Recruitment Rules as advised by the Law Department dated 28.09.2020."

6. Whereas, in view of the opinion tendered by the Department of Law, Justice & Parliamentary Affairs as well as Finance Department, the Department examined the matter again and it was found that the petitioners have applied for the post of Draftsmen borne in the cadre of Engineering Service and came to be appointed by way of different Government Orders issued by the Department. The services of the Draftsmen is governed by the Jammu and Kashmir Engineering Subordinate Services Recruitment Rules, 1997 notified vide SRO-180 dated 26th May, 1997 and the pay scale attached with the post is notified with the recruitment rules and have been revised, pursuant to the Rule 15(f) of Jammu and Kashmir Civil Services (Revised Pay) Rules, 1998 notified vide SRO-18 of 1998 dated 19th January, 1998 which provides as under:-

"that all the Draftsmen (2 years diploma/certificate holders) carrying the existing pay scale of Rs. 1600-2600 will be placed in the revised pay scale of Rs. 5000-8000. The fresh recruitment to the posts of Draftsmen will be made in the pay scale of Rs. 4000-6000 and such fresh appointees will be placed in the pay scale of Rs. 5000-8000 after putting 8 years of service."

7. Whereas, the said rules are in force and have not been set aside by any court of competent jurisdiction and the petitioners have already been appointed and have accepted the terms and conditions governing their service conditions envisaged in the pay rules pertaining to them.



8. Whereas, the Department of Law, Justice & Parliamentary Affairs has already advised vide U.O dated 28.09.2020 that the claim of the petitioner, without reference to the statutory provision is not to be followed as precedence.

Now, therefore, the claim of the petitioner has been re-considered with due deference to the order dated 10.03.2020 passed by the Hon'ble High Court in SWP No. 265/2019 [WP(c) No. 518/2019], SWP No. 655/2019 [WP(c) No. 1161/2019], CM 2467/2019 [1/2019], and SWP No. 836/2019 [WP(c) No. 1482/2019], CM 3093/2019 [1/2019] titled **Shri Pawan Kumar Sapolia and others, Ganesh Dutt and others, and Bodh Raj and others** and have been found devoid of any merit for the aforesaid reasons and is accordingly rejected.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra) IAS

**Financial Commissioner (Additional Chief Secretary)
Jal Shakti Department**

No. JSD-LS02(3)/11/2022-O/o DLR-JSD (CC No. 245309)

Dated:17.03.02025

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, (PHE/I&FC/RTIC) Jal Shakti Department, Jammu for information and necessary action.
3. Ld. Additional Advocate General, J&K High Court, Jammu for information and filing of compliance before the Hon'ble Court.
4. Additional Secretary to the Government, Jal Shakti Department, J&K.
5. Private Secretary to the Financial Commissioner (ACS), Jal Shakti Department, J&K.
6. Petitioners.
7. Incharge website, Jal Shakti Department.
8. Monday Return file (w.2.s.c).
9. Government Order file.

(Sanjay Pandita) JKAS

**Deputy Secretary to the Government,
Jal Shakti Department**

17/03/2025