

Government of Jammu & Kashmir  
**Public Works (R&B) Department**  
Civil Secretariat Jammu/Srinagar

Subject: Contempt No. 40/2019 in SWP No. 1872/2013  
titled Sanjay Gupta & others V/s State of J&K  
& others.

**Government Order No. 63 -PW(R&B) of 2020**  
**Dated: 17.02.2020**

Whereas, the petitioners in the above titled contempt petition alongwith others similarly placed persons who have been granted the higher grade of Rs. 5150-8300 by this department vide Govt. order No. 395-PW(R&B) of 2007 dated 06.12.2007 after getting the concurrence from the Finance Department conveyed vide their U.O No. A/24(98)-851 dated 23.10.2007, from the date of judgments i.e. 14.01.2005 and 11.05.2006 passed in SWP NO.1674/2004 titled Purvinder Kour v/s State and others and SWP No. 432/04 titled Gurvinder Singh v/s State and others, respectively as per the Annexure-A and B of the Govt. Order No. 395-PW(R&B) of 2007 dated 06.12.2007; and

Whereas, feeling aggrieved against their placement in higher grade w.e.f. the date of judgments, few petitioners, have filed SWP No.1872/2013 titled Sanjay Gupta and others V/s State and others, which stand disposed of by the Hon'ble court vide order dated 15/05/2014 with the following directions:-

**"The writ petition is accordingly, disposed of with a direction to respondents to consider the claim of petitioners for grant of Rs.5150-8300 grade (pre-revised) in their favour from the dates they have joined as Draftsmen, in light of judgment dated. 21.11.2008 passed in SWP No. 2047/2003 titled "Sham Paul Randhawa and others versus State and Others", provided it squarely covers the case in hand. Respondents are further directed to pass appropriate**



consideration order within a period of two months from the date a certified copy of this order is served upon them. Petitioners, on their own, may handover a certified copy of this order along with complete set of writ petition and CMA No.1524/2014 to respondents so as to facilitate early decision in the matter".

Disposed of as above along with connected CMAs."

Whereas, pursuant to the said judgment, the petitioners have also filed contempt petition bearing No. 40/2019 and the same is pending adjudication before the Hon'ble Court; and

Whereas, the case of the petitioners was submitted to the Finance Department twice, who later vide their U.O No. A/24(98)-II-572 dated 26.07.2019 has returned the file with the following advice:

**"The department is advised to pass appropriate consideration orders on merits of the case as per Recruitment Rules."**

Whereas, consequent upon the said advice of the Finance Department, the matter was taken with the Department of Law, Justice and PA vide UO No. PW(R&B)PLO/419/2013 dated 11.11.2019, for their expert advice with regard to the conferment of benefit of higher grade in favour of all the left over petitioners who have been granted the higher grade vide Govt. order No. 395-PW(R&B) of 2007 dated 06.12.2007. The Department of Law, Justice and PA vide their U.O No. LD(Lit)2013/200-PWD dated 08.01.2020 has returned the case/file to this department with the following advice:

**"In order to avoid further litigations in the matter and to ensure that no adverse orders are passed, the department is advised to consider the case of the petitioners in light of the directions dated 15.05.2014 passed in SWP No. 1872/2013**



**by the Hon'ble High Court and Apex Court and observe uniformity of decision in similar matters. Statement of facts may be filed in the Court based on the consideration of the issue and decision of the department."**

Whereas, amongst the petitioners who have already been granted the benefit of higher grade vide Govt. order No. 395-PW(R&B) of 2007 dated 06.12.2007, 15 officials petitioners have also agitated the matter in SWP No. 1717/2009 titled Gurvinder Singh and others v/s State of J&K and others for release of higher grade w.e.f the date of their appointment instead of date of judgment, which was released in their favour vide Govt. order No. 643-PW(R&B) of 2018 dated 31.12.2018, in compliance to the judgment dated 24.03.2014 and after the dismissal of LPA and SLP filed by the Department against the said order; and

Whereas, similarly the petitioners of SWP No. 2047/2003 titled Sham Paul Randhawa and others v/s state and others, have also been granted of higher grade from the date of their initial appointment by the department vide Govt. order No. 614-PW(R&B) of 2018 dated 07.12.2018 in compliance to the order dated 21.11.2008 passed by the Hon'ble writ Court after the dismissal of LPA and SLP filed by the department; and

Whereas, the petitioners in instant SWP NO. 1872/2013 titled Sanjay Gupta and others v/s State and others, alongwith the other remaining officials who have been placed in the higher grade of Rs. 5150-8300 vide Govt. order No. 395-PW(R&B) of 2007 dated 06.12.2007 being similarly placed persons, cannot be denied the benefit of higher scale of Rs. 5150-8300 from the date of their initial appointment and cannot be distinguished and said to be dissimilar to that of their counterparts; and



the advice of Finance Department conveyed vide their U.O No. A/24(98)-II-572 dated 26.07.2019 and the advice of the Department of Law, Justice and PA conveyed vide their U.O No. LD(Lit)2013/200-PWD dated 08.01.2020, sanction is hereby accorded to the release of Scale/Grade of Rs. 5150-8300 (Pre-revised) in favour of rest of the petitioners of Govt. order No. 395-PW(R&B) of 2007 dated 06.12.2007, forming Annexure-A to this Government Order, from the date of their initial appointment instead of date of judgments.

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

Sd/-

**(Khurshid Ahmad) IAS,**

Commissioner/Secretary to Government

No. PW(R&B)PLO/419/2013

Dated: 17.02.2020

**Copy to the:**

1. Joint Secretary, MHA(JK) Government of India.
2. Principal Secretary to Government, Finance Department.
3. Commissioner Secretary to Government, PHE/ I&FC Department.
4. Director Archeology Archives and Museums, Jammu & Kashmir.
5. Chief Engineer, PW(R&B) Department Jammu/Kashmir.
6. Chief Engineer, Mechanical Engineering Department, Jammu/Kashmir.
7. Chief Engineer, PHE/ I&FC Jammu/Kashmir and RTIC Jammu.
8. Chief Engineer UEED Jammu/Kashmir.
9. Private Secretary to Commissioner/ Secretary to Government, PW(R&B) Department.
10. Government Order File/ Stock file.

**(Farooq Ahmad)**

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