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

Subject: OA No. 1086/2022 titled Khalid Nazir Naqshbandi
and another V/s UT of J&K and others.

Government Order No. 74 - PW(R&B) of 2023
Dated: 16-02-2023.

Whereas, the petitioners came to be appointed in the PWD by virtue of Government Order No. PW-670 of 1981 dated 31.10.1981 as Sectional Officers and the petitioners were promoted from time to time in the department.

Whereas, the petitioner No. 1 (Khalid Nazir Naqshbandi) attained the age of superannuation and retired from the Irrigation and Flood Control Department as Assistant Executive Engineer on 30.06.2020. While as, the petitioner No. 2 (Firdous Ahmad) attained the age of superannuation and retired from the Public Works Department as Assistant Executive Engineer on 30.06.2020.

Whereas, both the applicants filed an application before Hon'ble Tribunal and submitted that the benefit of increment has not been given to them which they were entitled from 01.07.2020 and prayed that the Respondents be directed to consider the claim of the Applicant for Annual Increment.

Whereas, the Hon'ble CAT passed an order dated 15.11.2022 with the direction as under:-

"In view of the limited prayer made by the Ld. Counsel for the applicants respondents are directed to consider the present

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OA as a representation and decide the claim of the applicants as per law specially in view of the judgments annexed to the OA passed by the CAT, Principal Bench, New Delhi as well as the order passed by the Hon'ble Court within six weeks from today by passing a reasoned and speaking order and communicate the same to the applicants".

Whereas, the case was referred to the Finance Department vide U.O dated 08.12.2022, who vide their U.O dated 12.01.2023 has returned the file with the following advice:-

"Returned- The Department is advised that the applicants have retired on superannuation on 30-06-2020 and the increment falls due on 01-07-2020. Since the applicants have already retired on 30-06-2020 (A.N.), the increment which falls on 01-07-2020 is not admissible. The Department may issue the consideration order accordingly in consultation with the Law Department."

Now therefore, in deference to the order dated 15.11.2022 passed in OA No. 1086/2022 titled Khalid Nazir Naqshbandi and another V/s UT of J&K and others, coupled with the advice of Finance Department conveyed vide U.O dated 12.01.2023, the case of the petitioners were considered and found devoid of merit.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar) IAS,

Principal Secretary to Government
Public Works(R&B) Department

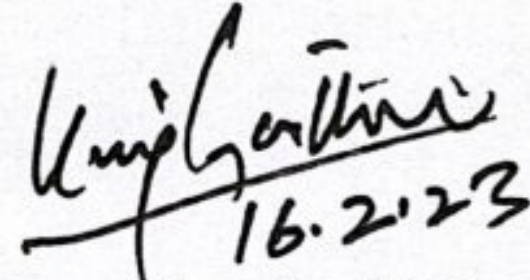
No:-PWD-LIT/513/2022-05

Dated: 16-02-2023

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Commissioner/Secretary to Government, General Administration Department.
3. Director, Archives & Archeology & Museums J&K.

4. Additional Secretary (R/S) to Government, Public Works (R&B) Department.
5. OSD to Advisor(B) for information of the Hon'ble Advisor.
6. Private Secretary to Principal Secretary to the Government Public Works(R&B) Department.
7. Concerned.
8. In-Charge Website PW(R&B) Department.
9. Government Order file/Stock file/Monday return file.


16.2.23

(Karan Singh Aithmia)

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