



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

Subject:- Robkar No. 06/2024 CPSW No. 114/2019 in SWP No. 1033/2018 titled Ishtiaq Ahmed &Ors vs Talat Parvez Rohella, Secy Higher Education Department.

**Government Order No. 439 JK(HE) of 2024  
Dated: 02-09-2024**

Whereas, the petitioners filed writ petition bearing SWP No 1033/2018 titled Ishtiaq Ahmad and others Vs State and others seeking benefit of SRO 149 of 1973 on the analogy of similarly situated employees. Hon'ble High Court vide order dated 25.05.2018 disposed of the writ petition in the following terms:-

*"Keeping in view the submission made by the learned counsel for the petitioners and relief sought for in the writ petition, with the consent of learned counsel for the parties, this writ petition is disposed of 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 certified copy of this order is served upon the respondent."*

Whereas, in compliance to the directions of Hon'ble Court, the case was examined and it was observed that

SRO 149 of 1973 stands repealed on 26.08.1981 since then and by now various pay revisions have been made/extended from time to time and the pay scales at every level have been enhanced.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 further examination, it was found that in other Government Departments, similarly situated claims were also raised and presently the matter is sub-judice before the Hon'ble Supreme Court of India in 14 SLPs (SLP (c) No. 2952, 2953, 2955/2019 against the Hon'ble Division Bench judgment dated 08.05.2017 regarding grant of relief under SRO 149. The Hon'ble Supreme Court vide order dated 31.01.2019 has stayed the impugned judgment dated 08.05.2017 passed in case titled Provincial Power Employee Union Vs State of J&K.

Whereas, taking note of the order of the Hon'ble Supreme Court, the Department of Law Justice and PA vide circular No. 01-JK(LD) 2019 dated 26.11.2019 enjoined upon all the Departments to follow the order of Hon'ble Supreme Court dated 31.01.2019 in letter and spirit and advised that no order should be passed which may come in conflict with the order dated 31.01.2019 passed by the Hon'ble Supreme Court.

Whereas, in view of the order dated 31.01.2019 passed by Hon'ble Supreme Court read with advisory dated 16.11.2019 issued by Department of Law Justice and PA in this

regard, the case of the petitioners was considered and it was observed that the representation of the petitioners cannot be considered at this stage and accordingly Government Order No. 27-JK(HE) of 2022 dated 31.01.2022 was issued, thereby, deferring this case till the outcome of the SLPs.

Whereas, Department has already filed statement of facts/detailed affidavit in the matter citing all the relevant facts. However, the Hon'ble High Court in the contempt petition filed by the petitioners did not appreciate the contentions raised by the Department and issued Robkar against the Principal Secretary, Higher Education Department as well as Director colleges J&K on 07.06.2024 .The said Robkar has also been agitated before the Hon'ble Supreme Court in SLP/Diary No. 37261/2024.

Now, therefore, keeping in view the specific directions of the Hon'ble High Court, the claim of the petitioner is considered subject to the outcome of SLP(c) No. 2952 of 2019 titled The State of J&K vs Provincial Power Employees Union and SLP/Diary No. 37261/2024 and it is, hereby, ordered that the Director Colleges, J&K, being the cadre controlling authority ,shall admit the following officials to the then pay scale as

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shown against each in terms of SRO 149 dated 07.04.1973 instead of one allowed to them previously:-

S.No	Name	Designation	Qualification	Pay scale now allowed
1.	Ishtiaq Ahmed	Mistry	Matric/ITI	340-700
2.	Manoj Malhotra	Plumber-I	Matric/ITI	340-700
3.	Munish kumar Bali	Electrician	Matric/ITI	340-700

The benefits of SRO 149 of 1973 shall, however, be for the purpose of fixation of pay and increments only without any arrears on this account.

The benefits given shall remain subject to the outcome of SLP(c) No. 2952 of 2019 titled The State of J&K vs Provincial Power Employees Union and SLP/Diary No. 37261/2024.

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

**Sd/  
(Alok Kumar), IRS  
Principal Secretary to the Government**

No:-HED-LEG/52/2021-04(69740)

Dated:- 02-09-2024

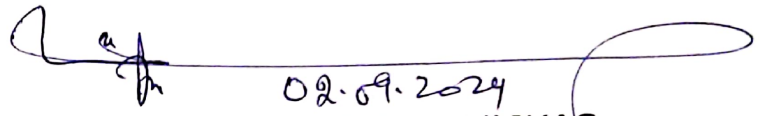
Copy to the:

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.

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2. Director Colleges, J&K.
3. Director Archives, Archaeology & Museums, J&K, Jammu.
4. Nodal Principal, Jammu.
5. Concerned Principal.
6. Private Secretary to the Principal Secretary to the Government, Higher Education.
7. Concerned.
8. I/C Website, Higher Education Department.
9. Government Order Register/ Monday Return file (w.2.s.c)



02.09.2024

(P.N. Hamid)JKAS

Deputy Secretary to the Government  
Higher Education Department

