

Government of Jammu & Kashmir
Consumer Affairs & Public Distribution Department
Civil Secretariat, Jammu.

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Subject: - SWP No.1247/2001 and SWP No. 1296/2001 titled Bansi Lal Bali and others V/s State and others. Ved Prakash Gupta and others V/s State and others.

Government Order No: 15 - CAPD of 2012
Dated : 28 - 02 - 2012

Whereas, some retired Assistant Director of CA&PD Department filed two service writ petitions SWP No. 1247/2001 titled Bansi Lal Bali and others V/s State and others And SWP No.1296/2001 titled Ved Prakash Gupta and others V/s State and others praying therein that their pay scale may be revised as Rs.520-900 (Pre-revised in order to remove the disparity between the direct recruit and promotees Assistant Directors.

Whereas, upto the year 1993 there was disparity in the pay scale of direct recruits and promotee Assistant Directors.

Whereas, the Government in compliance to the directions dated 28.04.1995 passed in SWP No. 1339/1986 titled Mahabir Singh Bakshi and others V/s State and others had brought the petitioners at par with direct recruits vide office order No. 13-FS of 1999 dated: 18.01.1999

Whereas, in this case the Hon'ble High Court disposed of the writ petition vide common Judgment dated: 02.04.2008, operative part of which reads as under:-

"In view of the submissions made, this writ petition is disposed of with a direction to the respondents to accord consideration to the case of petitioners for being placed in the grade in which the direct recruit have been placed in the light of judgment rendered in SWP No. 1339 of 1986 decided on 28.04.1995. In case the petitioners are found entitled to the said grade, the same shall be released in their favour from the date(s) they were promoted to the post of Assistant Directors. The decision shall be taken within a period of two months from today. Both the writ petitions shall accordingly stand disposed of. Connected CMPs shall also stand disposed of."

Whereas, the case of the petitioners was examined in the department in depth and it was resolved to give them the same benefits as have been given to their similar counter parts in SWP No.1339/1986 titled Mahabir Singh Bakshi and others V/s State and others pursuant to judgment dated 28.04.1995. For the

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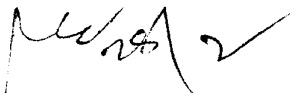
purpose, total financial implications were worked out in consultation with Director CAPD Jammu and the matter was referred to Finance Department for their concurrence to the upgradation of pay scales of Rs. 490-850 (pre-revised) to the pay scale of Rs. 520-900 (pre-revised) in respect of following retired Assistant Directors for the period shown against each:-

1. Shri Bansilal Bali	21.10.1983 to 25.12.1990
2. Shri Chaman Lal Puri	22.03.1984 to 25.12.1990
3. Shri Rajinder Kumar Sodhi	01.07.1955 to 25.12.1990
4. Shri V.P Gupta	23.12.1981 to 25.12.1990
5. Shri Keshav Nand	21.10.1982 to 28.02.1985
6. Shri Rattan Lal	22.04.1982 to 31.12.1985

Whereas, finally the Finance Department returned back the departmental proposal made in favour of the petitioners with following observations:-

"Returned. The departmental proposal has been examined. The department has made promotion of petitioners as Assistant Directors in the pay scale of Rs. 475-850 (pre-revised) and regularized from the period shown to each incumbent, however it is denied that the Government order has created disparity in any manner as accepted by the Department. The departmental grade of Assistant Directors is Rs. 475-850 (pre-revised) which was revised to the scale of (875-1400) and then to the Rs. (1600-2800). However the Government introduced pay scale of (1000-1560) in the Gazetted service as a result of rationalization of the feeding service and streamlining the structure of the services for induction into KAS, uniform time scale of Rs. (1000-1560) was given to all the feeding services including the erstwhile Food and Supplies Department (Now CAPD) as one of these services vide Government Order No. 1285-GAD of 1983 dated: 20.08.1983. The said order contained proviso that position in respect of Gazetted service posts below the grade of (1000-1560) be continued. It was only in the year of 1993 that vide Govt. Order No. 624-GAD of 1993 dated: 23.08.1993 that the parity in the pay scale of direct recruits and promotees was introduced, but the petitioners at no relevant point of time have challenged that the above Govt. Order as such cannot assail at such belated stage. Even otherwise the request/prayer of all the petitioners for removal of disparity between pay scale of direct Recruits and promotees retrospectively, cannot be granted being not admissible under rules."

Whereas, the proposal regarding upgradation of the posts pertaining to the period 28 years earlier, being not justified, could not be agreed to.



Now therefore, having examined and considered the case of petitioners in light of the Judgment passed in their service writ petitions and in consultation with Finance Department, the same having been found without merit, is hereby rejected.

By order of the Government of Jammu and Kashmir.

Sd/
Secretary to Government
CAPD Department

Dated: 28-02-2012

No.FK-WP/25/2001

Copy to the:-

1. Commissioner/Secretary to Government Finance Department.
2. Commissioner/Secretary to Government General Administration Department.
3. Special Assistant to Hon'ble Minister for CA&PD for information of the Hon'ble Minister.
4. Special Assistant to Hon'ble Minister of State for CAPD for information of the Hon'ble Minister.
5. Concerned Officers.
6. Pvt. Secretary to Commr/Secretary to Govt. CA & PD Department.
7. Government order file/Stock file.
8. Monday Return file.

Deputy Secretary to Government
Consumer Affairs & PD Deptl.

28.2.2012

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