



**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Subject: SWP NO. 2679/2017 MP No.1/2017 titled Faqir Chand and Others V/S State and Others.

Government Order No: 277F of 2018

Dated: 06-06-2018

Whereas vide notification SRO-59 dated 06-02-1990 Appendix 2-A was inserted in the J&K Civil Service Revised Pay Rules, 1987 and was partially modified vide SRO-393 dated 27-01-1997, subsequently.

2. Whereas as per these rules rationalized pay structure was adopted in respect of such categories of employees who did not have any chance of promotion.

3. Whereas vide SRO-14 dated 15-01-1996 J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 were notified.

4. Whereas rule 3(ii) (g) of the said J&K (Higher Standard Pay Scale Scheme) Rules, 1996 provides that these rules shall not apply to such of the categories of the employees/posts for which special treatment is expressly provided or may be provided under any law or rule or notification or order for the time being in force.

5. Whereas it came to the notice of the Finance Department that the concerned departments have been providing benefits to the respective employees under both the sets of rules.

6. Whereas the Public Works Department sought opinion of the Finance Department in this regard and it was clarified vide U O No: A/29(96)-376 dated 07-08-2000, that –

"The various categories of the employees who have been/are benefited under the provisions of Appendix 2-A of J&K Civil Services (Revised Pay) Rules, 1987 as inserted vide SRO-59 dated 27-11-1997 which, inter alia, include the category of 'Works Supervisors' cannot get benefit in terms of the J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996 as introduced vide SRO-14 dated 15-01-1996"

7. Whereas consequent upon the above clarification the Public Works Department advised the concerned Chief Engineer vide their No: PW/ITCT-2000/SRO-59 dated 22-08-2000 to settle the case as per the Finance Department's opinion and review the orders already passed in contradiction to the above opinion and effect recovery of excess payment.

8. Whereas aggrieved with the above opinion, the All J&K Works Supervisors Association and Road Supervisors Association etc, filed number of writ petitions before the Hon'ble High Court.

9. Whereas the Hon'ble Court in some of the writ petitions issued interim orders not to effect any recovery and that this direction was subject to the objections on the other side.

10. Whereas the case had been examined in the Finance Department with a view to resolve the legal complications for future and to take care of the grievances of a large number of employees of Engineering Department and their counterparts in other Government Departments. Accordingly, It was clarified that the appendix 2-A of J and K Civil Services (Revised Pay) Rules, 1987 as inserted vide SRO-59 dated 06-02-1990 and further modified vide SRO- 393 dated 27-11-1997 stands deleted from the date of issue of J and K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 i.e. 15-01-1996 with consequent withdrawal of clarification issued by PWD vide letter No. PW/ITCT-2000/SRO-59 dated 22-08-2000 read with U.O No. A/29(96)-376 dated 07-08-2000.



11. Whereas the case has again been examined in Finance Department consequent to the judgment dated 09-11-2017 pronounced by the Hon'ble High Court in the SWP NO. 2679/2017 MP No.1/2017 titled Faqir Chand and Others V/S State and Others directing the respondent No. 2 (Commissioner/Secretary to Government to Finance Department) to accord consideration to the claim of the petitioners expeditiously but was found devoid of merits.

12. Now, therefore in compliance with the directions of the Hon'ble Court , the claim of the petitioners to the benefit of upgradation from the date of issue of Govt. Order No. 78-PDD of 1995 has been considered and further examined with reference to rules but found not covered under rules, since the appendix 2-A of J and K Civil Services (Revised Pay) Rules, 1987 as inserted vide SRO-59 dated 06-02-1990 and further modified vide SRO- 393 dated 27-11-1997 is no more in force. As such, the claim of petitioners is devoid of merits, hence rejected.

By order of Government of Jammu and Kashmir.

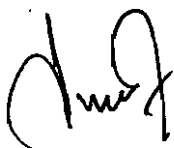
Sd/-
(Navin K Choudhary), IAS,
Principal Secretary to Government,
Finance department

No. A/29(96)-II-A- 265

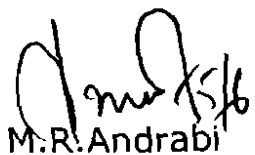
Dated:- 06-06-2018

Copy to:

1. Advocate General J&K High Court Srinagar/Jammu.
2. All Financial Commissioners.
3. Principal Accountant General, J&K Srinagar/ Jammu.
4. All Principal Secretaries to Government.
5. Principal Secretary to Hon'ble Chief Minister.
6. Principal Secretary to HE the Governor
7. Principal Resident Commissioner, 5-Prithvi Raj Road New, Delhi.
8. Chief Electoral Officer, J&K Jammu.
9. All Commissioner / Secretaries to Government.
10. Divisional Commissioner Kashmir/ Jammu.



11. Chief Vigilance commissioner, J&K Srinagar.
12. Secretary to Chief Justice J&K High Courts Srinagar /Jammu.
13. Registrar General, J&K High Court Srinagar/ Jammu.
14. Director General Funds organization J&K..
15. Director General Budget, J&K.
16. Director General Accounts & Treasuries, J&K.
17. Director General Local fund Audit & Pensions, J&K.
18. Director Information J&K.
19. All Head of Departments / Managing Directors/ Chief Executive of State PSU`s / Autonomous Bodies.
20. Secretary J&K Public Service Commission.
21. All District Development Commissioners.
22. Secretary, J&K Legislative Assembly / Legislative Council.
23. Director Finance/ Principal Northern Zonal Accountancy Training Institute Jammu.
24. Director Accounts & Treasuries Srinagar /Jammu.
25. Principal Accountancy Training School Srinagar.
26. All Directors of Finance/Financial Advisors & CAO`s.
27. Joint Director Fund`s organization Srinagar/Jammu..
28. All Treasury Officers.
29. General Manager, Government Press for publication in Government Gazette.
30. Private Secretary to Chief Secretary.
31. Private Secretary to Hon`ble Finance Minister.
32. Private Secretary to Hon`ble Ministers/ Hon`ble Ministers of State for information of the Hon`ble Ministers.
33. All officers / Section officers of Finance Department.
34. President Non-Gazetted Employees Union Civil Secretariat Srinagar/Jammu.
35. I/c Website, FD. (www.jakfinance.nic.in).
36. I/c Website, GAD. (www.jkgad.nic.in).
37. Government orders file (W2scs).



M.R. Andrabi
Director General(Codes),
Finance Department