
(2017) 05 J&K CK 0016
In the Jammu And Kashmir High Court
Case No : 755 of 2016 MP No 01 of 2016

Najam-ud-din & Ors.

APPELLANT

Vs

State of J&K & Ors.

RESPONDENT

Date of Decision : 05-05-2017

Acts Referred:

Citation : (2017) 05 J&K CK 0016

Hon'ble Judges : Ramalingam Sudhakar

Bench : SINGLE BENCH

Advocate : M. M. Amin, Asif Bhat

Final Decision : Disposed Of

Judgement

1. The instant writ petition has been filed for the following relief:-

(A) Writ of Mandamus commanding the respondents to release the benefits of the Order No. 61-CAPD of 2008 dated 20.05.2008, from the date from which it has been given to the juniors of the petitioners.

(B) Writ, order or direction including one in the nature of certiorari whereby the clause (b) of impugned order giving only notional benefits from the date on which it has been given to the juniors of the petitioners to be declared illegal, unjust and discriminatory.

(C) Writ of mandamus commanding the respondents to give the higher pay scale of 5000-8000 to the petitioner from the date their juniors have been given.

2. Heard Mr. M. M. Amin, Adv. for the petitioners and Mr. Asif Bhat, learned Additional Advocate General for the respondents.

3. Writ petition is admitted to hearing and taken up for final disposal.

4. Case of the petitioners is that they were employed in Consumer Affairs and Public Distribution, Department (CA&PD) like Store-keepers etc.

prior to 1998. The respondents on 23.08.1997, 23.12.1997 and 15.01.1998, upgraded the pay scale of some of the employees, benefit of which has not been given to the petitioners.

5. Aggrieved of the same, SWP No. 238/2007 has been filed by some of the employees before this Court which came to be disposed of on

16.04.2007 and in compliance of the writ court order, Government passed order No. 61-CAPD of 2008 dated 20th May 2008, but the

petitioners were denied the said benefit despite the fact that they were performing the similar duties. 5. Learned counsel for the respondents, Mr.

Asif Bhat, states that the issue raised in the writ petition is steering and there is delay and latches.

6. Be that as it may, petitioners are have already moved a representation to the concerned authority for granting benefits of order No. 61-CAPD

of 2008 dated 20.05.2008,as has been granted to similarly situated persons/ employees.

7. Learned counsel for the petitioners states that he will not press the second relief, that is certiorari, same is accordingly withdrawn.

8. Writ petition is accordingly, disposed of with a direction to the respondents to accord consideration to the claim of the petitioners on its own

merits within three months from the date of receipt of copy of this order.

9. The writ petition is disposed of along with connected MPs.