

(1998) 04 J&K CK 0022

In the Jammu And Kashmir High Court

Case No : Service Writ Petition (SWP) No. 1478 of 1993

Provincial Power Employees Union

APPELLANT

Vs

State of Jammu and Kashmir

RESPONDENT

Date of Decision : 30-04-1998

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (1998) 3 SCT 131

Hon'ble Judges : T.S.Doabia, J

Bench : Single Bench

Advocate : Amrish Kapoor, Advocates appearing for the Parties

Judgement

T.S. Doabia, J.—The petitioner Union is seeking relief to the effect that SRO59 of 1990 issued on 6th of February, 1990 be implemented in

the case of Power Development Department.

Objections have been referred. On the basis of decision given by Supreme Court of India in the case reported as Employees Welfare Association

v. Union of India, AIR 1990 SC 344, it is stated that writ of mandamus cannot be issued visavis the matter which is the subjectmatter of this

petition. In the aforementioned decision, following observations were made :

It is not the business of this Court to fix the pay scale of the employees of any Institution in exercise of its jurisdiction under Article 32 of the

Constitution. If there be violation of any fundamental right by virtue of any order or judgment this Court can strike down the same but surely, it is

not even province of this to fix the pay of any employee in exercise of its jurisdiction under Article 32 of the Constitution.

2. As such no positive directions can be issued. The writ petition is disposed of

with a direction that respondentState would take notice of the grievances of the petitioner as projected in the petition. They would take such remedial measures as are permissible within the framework of the Rules and regulations. Let some decision be taken within a period of six months. The decision taken be communicated to the petitionerUnion and also to the counsel who is representing the petition in this case. The period of six months would begin from the date a copy of this order along with writ petition and annexures thereof are made available to the respondentState by the petitionerUnion. In case for some practical reasons, it is not possible to do the needful within the aforementioned period, then respondentState would be at liberty to seek extension of time. But in that eventuality each and every day's delay would have to be explained.

3. The petition is disposed of accordingly.