

(2023) 03 J&K CK 0003
In the Jammu And Kashmir High Court
Case No : Writ Petition (C) No. 3002 Of 2022

Ranjeet Singh & Anr

APPELLANT

Vs

Govt. Of J&K & Ors

RESPONDENT

Date of Decision : 01-03-2023

Acts Referred:

Citation : (2023) 03 J&K CK 0003

Hon'ble Judges : Rajesh Sekhri, J

Bench : Single Bench

Advocate : Younis, Shafqat Nazir, Jeetender Singh

Final Decision : Allowed

Judgement

Rajesh Sekhri, J

1) The present case pertains to the pensionary benefits. The case set up by the petitioners is that petitioner No.1 and late husband of petitioner No.2 were earlier appointed in the Government Transport Undertaking and subsequently came to be transferred to respondent No.2-Corporation. It is case of the petitioners that employees of the Government Transport Undertaking were given option either to continue as Government employees or to remain employees of the J&K State Road Transport Corporation i.e. respondent No.2. According to the petitioners, they along with similar other employees were not given the benefit of exercising the option, consequently they along with other employees of respondent No.2-Corporation approached this Court through the medium of SWP No.3082/2010 titled "All J&K Workers Union, State Road Transport Corporation vs. State of J&K and others" seeking retiral benefits and exercise of their option to be treated as Government servants for the purpose of pensionary and allied benefits. The said writ petition came to be allowed on 01.07.2013 and LPA No.87/2014 filed against the said judgment was dismissed as withdrawn on 12.06.2014. The petitioners herein including other petitioners, who had filed the aforesaid writ petition, filed a contempt petition and pursuant to the subsequent

directions passed by this Court, the petitioners were given the pensionary benefits.

2) It is further case of the petitioners that Government Notification (SRO 193) dated 24.04.2018 came to be issued thereby fixing the pay and regulation of annual increments as per the procedure under the Jammu and Kashmir Civil Services (Revised) Pay Rues, 2018, and this Notification (SRO 193) came to be applied to the employees of the Jammu and Kashmir Public Sector Undertakings including the J&K State Road Transport Corporation in view of Government Order No.278-F of 2018 dated 06.06.2018. It is submission of the petitioners that in the case of most of the employees, who were petitioners in the aforesaid petition, the fixation had already been made, however, the petitioners and four other employees of the respondent No.2-Corporation, who were similarly situated, were to be granted the pay fixation as per the aforesaid SRO 193 read with Government Order No.278F of 2018. The said four persons similarly situated with the petitioners were also granted the revision of pension in view of Revision Pay Authorization letters in their favour.

3) The grievance of the petitioners is that they have been left out and in their case, respondent No.3 sought information whether the Board of Directors has approved adoption of the Rules in respect of the employees who retired on or after 01.01.2016, which, according to the petitioners, runs in contradiction to the settled principles of equity, fair play and good conscience as respondent No.3 has to consider that petitioners are the employees of the Government and are to be governed by the aforesaid rules as maximum employees, who are members of respondent No.2-Corporation and were petitioners in the aforesaid writ petition, have already been given the benefit and petitioners herein could not be singled out.

4) Having relied upon various orders passed by this Court in various petitions including WP(C) No.3580/2019 titled Abdul Rashid Bhat & Ors. vs. UT of J&K & others dated 13.12.2021, WP(C) No.1983/2022 titled Arif Hussain Rather & Ors. Vs. UT of J&K & Ors. dated 12.09.2022 as also W(C) No.2420/2022 titled Ghulam Nabi Kaloo and others vs. Government of J&K and others dated 25.11.2022, petitioners seek mandamus to the respondents to accord benefit to them in the light of judgment passed in the aforementioned SWP No.3082/2010 titled "All J&K Workers Union, State Road Transport Corporation vs. State of J&K and others", with a further mandamus commanding the respondents to treat the petitioners with similarly situated persons who had had been given the aforesaid benefit. The petitioners also seek a mandamus upon the respondents to release the benefits in their favour after fixation as per SRO 193 read with Government Order No.278-F of 2018 dated 06.06.2018 on the analogy of treatment given to similarly circumstanced persons.

5) Respondents No.1 and 2 have admitted that similarly situated persons approached this Court by way of different writ petitions and they have already implemented the aforesaid judgments/orders passed by this Court. The

respondents have admitted that petitioners are also similarly situated with the aforesaid employees and are entitled to the benefit on the principle of parity.

6) In view of admission on the part of respondents, the present writ petition is allowed and respondents are directed to fix the pensionary benefits of the petitioners as per SRO 193 read with Government Order No.278-F of 2018 dated 06.06.2018 in the light of judgment passed by this Court in SWP No.3082/2010 titled "All J&K Workers Union, State Road Transport Corporation vs. State of J&K and others" dated 01.07.2013. The aforesaid exercise shall be undertaken and completed by the respondents within a period of two months from the date a certified copy of this order is made available to them.