

(2008) 05 J&K CK 0010

In the Jammu And Kashmir High Court

Case No : Service Writ Petition (SWP) No. 598 Of 2005

Sushma Gupta & Anr.

APPELLANT

Vs

State of J&K & Ors.

RESPONDENT

Date of Decision : 16-05-2008

Acts Referred:

Citation : (2009) 1 JKJ 221

Hon'ble Judges : Y.P.Nargotra, J

Bench : Single Bench

Advocate : Surinder Kour, Seema Shehkar, Advocates appearing for the Parties

Judgement

1. Objections on behalf of respondents No.1 & 2 have not been filed. Their right to file the same is closed.

2. The petitioners were employees of Milk Federation which was wound up by the Government on 1322004. Pursuant to the Government

decision the employees of the Milk Federation were absorbed in the Government Departments, but the petitioners were not absorbed on the

ground that they declined to accept absorption. However, being aggrieved of nonabsorption in the Government they have filed the instant writ

petition seeking the following reliefs:

(i) to issue directions to the respondents to absorb/adjust the petitioners in the Animal and Sheep Husbandry Department/any other Government

Department on the posts of Accounts Assistant and Computer Operator respectively in the grade of Rs. 40006000 and to give similar treatment to

the petitioners as has been given to other employees of Milk Federation thereby absorbing/adjusting them in the Government Departments on the

same posts and same grade by issuing writ of mandamus;

(ii) to issue directions to the respondents to release the salary of the petitioners for the period from December 2002 till today and to give similar

treatment in respect to release of salary as has been given to other employees of Milk Federation and also to pay future salary to the petitioners by

issuing writ of mandamus, (iii) To issue directions to the respondents restraining them to adjust the petitioners in the lower grade and restraining

them to fill up the posts of Accounts Assistant and Computer Operator respectively in the Animal and Sheep Husbandry Department or any other

Government Department by issuing writ of prohibition.

3. Mrs. Surinder Kour, learned counsel for the petitioner submits that since the petitioners have already been absorbed in a Government

Department and have been placed in a particular grade, therefore, reliefs claimed in the writ petition, except the one relating to release of the

unpaid salary w.e.f. December, 2002 till date of their absorption stand granted. She submits that the petitioners would be satisfied if the

respondents are directed to accord consideration to the case of the petitioners for release of the salary, if any, in arrear w.e.f. Dec 2002 till their

absorption on the analogy of other similarly situated employees of the Milk Federation who were also absorbed in the Government Departments.

4. Mrs Seema Shekhar, AAG submits that the respondents would have no objection for according consideration to the cases of the petitioners for

release of any unpaid salary on the analogy of other similarly situated employees of the Milk Federation.

5. In view of the submissions made, this writ petition shall stand disposed of with a direction to the respondents to accord consideration to the case

of the petitioners for release of their unpaid salary, if any on the analogy of similarly situated employees. Appropriate order shall be passed within a

period of three months. Connected CMPs shall also stand disposed of.