

Sr. No.12
Suppl. List.

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU
(VIRTUAL MODE)
 LPA No.238/2023

ANJU SHARMA

...Appellant(s)/Petitioner(s)

Through: Mr. Rahul Pant, Sr. Advocate with
 Mr. Ajay Bakhshi, Advocate

Vs.

SHRI MATA VAISHNO DEVI UNIVERSITY
 TH ITS VICE CHANCELLOR KATRA AND
 ANOTHER

...Respondent(s)

Through: Ms. Shivani Jalali, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE M.A. CHOWDHARY, JUDGE

ORDER
29-12-2023

01. The present appeal has been preferred against the order dated 06.12.2023 passed by the learned Single Judge in SWP No.699/2019. The order being short and brief reads as follows:-

“1. In the instant petition, petitioner is seeking direction upon the respondents to provide/grant of two advance increments for P.G. qualification along with benefits of special pay and special duty allowance to her and also provide her increment in view of Govt. Order No. 494-HME of 2009 dated 16.11.2009 issued by the Health and Medical Education Department. The petitioner is seeking the indulgence of this Court on the ground that the decision has been taken in this regard by the respondents earlier and the regulations also speak of the same.

2. The stand taken by the respondent-University is that the matter has been deferred and is awaiting the decision to be taken by the Government as the final decision will be taken on the basis of the decision taken by the Government.

3. The case of the petitioner is dependent upon the decision taken by the Government as per the respondents. The argument of the learned counsel for the respondents is also

to the effect that as the case of the petitioner involves financial implication, therefore, the case of the petitioner is dependent upon the decision taken by the Government.

4. However, the respondents cannot fix any timeline for the Government to take the decision in this regard. As and when the Government shall take a decision in the matter is not known to the respondent-University. It is expedient that the respondents explore the possibility of granting relief to the petitioner which may be subject to the final decision that may be taken by the Government and the University on the basis of the said decision. The respondent-University appears to have otherwise no objection to granting of relief as sought for by the petitioner.

5. The respondents shall take a decision in this regard uninfluenced by the fact that the petitioner has approached this Court for grant of relief. The decision be conveyed to this Court by the next date of hearing.

6. List on 21.02.2024.”

02.From the reading of the aforesaid direction of the learned Single Judge, it appears that the respondents were directed to take a decision in the matter uninfluenced by the fact that the petitioner has approached this Court for grant of relief. The decision has been directed to be conveyed to the Court by the next date of hearing.

03.In view of above, we do not see any reason to entertain this appeal, however, as directed by the learned Single Judge, the respondents shall take a decision and convey their decision to the Court in writing so that the learned Single Judge shall consider the same in accordance with law.

04.Appeal shall stand **disposed of**.

(M.A. CHOWDHARY)
JUDGE

(N. KOTISWAR SINGH)
CHIEF JUSTICE

SRINAGAR
29-12-2023
Shameem H.