

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1688/2025

Reserved on: 14.10.2025
Pronounced on: 03. 11.2025
Uploaded on: 04 .11.2025

whether the operative part or full
judgment is pronounced:Full

UT of Jammu and Kashmir and others
Petitioners

Through: - Ms. Monika Kohli Sr. AAG

vs

Balvinder Singh son of Kulwant Singh resident of ward No. 05 near
Air Field Rajouri, at present House No. 15 Gurha Bakshi Nagar

...Respondent(s)

Through: - Mr. Anuj Dewan Raina Advocate.

CORAM: **HON'BLE MR. JUSTICE SANJEEV KUMAR,JUDGE**
HON'BLE MR. JUSTICE SANJAY PARIHAR JUDGE

JUDGMENT

Sanjeev Kumar, J

1 This petition by the UT of Jammu and Kashmir and others
filed under Article 226 of the Constitution of India seeks to challenge
an order and judgment 09.04.2024 passed by the Central
Administrative Tribunal, Jammu Bench, Jammu (for short, “the
Tribunal”) in O.A No. 142/2023 titled ‘Balvinder Singh vs. UT of J&K
and others’, whereby the Tribunal has allowed the Original Application
filed by the respondent and directed the petitioners to correct the

alleged mistake in the fixation of his pay and to fix his salary in terms of SRO 42 of 2011 with effect from 06.02.2017. The Tribunal has further held that SRO 193 of 2018 would thereafter become applicable and the respondent would be entitled to arrears of pay without any interest.

2 Before we advert to the grounds of challenge, a brief look at the factual antecedents leading to the filing of this petition would be worthwhile.

3 The respondent was appointed as Legal Assistant in the Department of Law, Justice and Parliamentary Affairs vide Government Order dated 06.02.2017. His appointment carried the pay scale of Rs. 9300–34800 with grade pay of Rs. 4280 in terms of SRO 42 of 2011 dated 02.02.2011. Subsequently, the Government promulgated SRO 193 of 2018 dated 24.04.2018, by which the revised pay rules were notified and made applicable retrospectively from 01.01.2016. Under SRO 193 of 2018, the erstwhile pay scale of Rs. 9300–34800 with grade pay of Rs. 4280 was replaced with the pay matrix Level 6E (Rs. 35,900–1,13,500). The pay of the respondent was accordingly fixed by the petitioners at the basic pay of Rs. 35,900 as on 06.02.2017.

4 The respondent, however, made a representation dated 05.05.2022 contending that since his appointment was made when SRO 42 of 2011 was still in force, his initial pay ought to have been fixed as per the said SRO, and thereafter, SRO 193 of 2018 could be applied.

He relied upon a judgment dated 21.01.2022 passed by the Tribunal in Roopali Puri vs. UT of J&K and others. The representation was rejected on 22.12.2022 by the competent authority on the ground that the respondent was covered by Rule 8 of SRO 93 of 2009 as amended, having been appointed after the date from which the said SRO took retrospective effect i.e. 01.01.2006.

5 Aggrieved by the aforesaid action, the respondent filed O.A. No. 142/2023 before the Tribunal which, after considering the rival submissions, accepted his plea and issued directions as noted above.

6 The petitioners have assailed the decision of the Tribunal *inter alia* on ground that the Tribunal has misread and misapplied the provisions of SRO 42 of 2011, ignoring the fact that it stood retrospectively substituted by SRO 193 of 2018, effective from 01.01.2016.

7 On the other hand, learned counsel for the respondent would support the judgment of the Tribunal, contending that SRO 42 of 2011 was operative at the time of his appointment and, therefore, his pay fixation should have been governed by that rule up to the date of enforcement of SRO 193 of 2018.

8 Having heard learned counsel for both sides and perused the material on record, the following facts are found not disputed.

9 The respondent joined his service as Legal Assistant in February 2017. SRO 193 of 2018, though issued later in April 2018, was expressly made applicable with retrospective effect from 01.01.2016. Therefore, by operation of law, the revised pay structure notified therein governed all appointments and pay fixations subsequent to 01.01.2016.

10 Once the legislature or the competent authority provides that a rule or order shall take effect retrospectively from a particular date, it operates as if it were in force from that date, unless specifically exempted. In the present case, there is no saving clause in SRO 193 of 2018 protecting employees appointed after 01.01.2016 under the earlier SRO 42 of 2011. Consequently, the pay fixation of the respondent, appointed on 06.02.2017, could only be made under the matrix provided in SRO 193 of 2018.

11 The Tribunal, while granting relief to the respondent, mainly relied on its earlier decision in Roopali Puri vs. UT of J&K and others. This Court, however, has, in its separate judgment, set aside the said decision, Therefore, the Tribunal's reliance on that case is misplaced. The observations made in Roopali Puri shall be read as part of this order and would be complete answer to the submissions made by Mr. Anuj Raina on behalf of respondent.

12 In view of the above, the impugned order of the Tribunal cannot be sustained either in fact or in law. The pay fixation of the

respondent as per SRO 193 of 2018 is perfectly in order and calls for no interference.

13 For the foregoing reasons, the writ petition succeeds and is allowed. The impugned order dated 09.04.2024 passed by the Central Administrative Tribunal, Jammu Bench, in O.A. No. 142/2023 titled Balvinder Singh vs. UT of J&K and others is set aside. Consequently, the Original Application filed by the respondent before the Tribunal stands dismissed.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

Jammu
03 .11.2025
Sanjeev

Whether the order is speaking: Yes
Whether the order is reportable: Yes/No