

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2411/2025
CAV No. 1999/2025

UT of J&K and others

.....Applicant(s)/Petitioner(s)

Through :- Mrs. Monika Kohli, Sr. AAG

v/s

Rita Sehgal and others

.....Respondent(s)

Through :- Mr. Siddhant Gupta, Advocate

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

ORDER

08.09.2025

CAV No. 1999/2025

1. With appearance of Mr. Siddhant Gupta, learned counsel for the caveators, caveat stands discharged.

WP(C) No. 2411/2025

1. This petition, filed by the Union Territory of J&K, under Article 225 of the Constitution of India, is directed against an order and judgment dated 24.09.2024, passed by Central Administrative Tribunal, Jammu Bench, Jammu (“**the Tribunal**”), in O.A. No. 115/2024, titled “Rita Sehgal and others v. Union Territory of Jammu and Kashmir and another”, whereby the Tribunal has, while disposing of the O.A., directed the petitioners herein to reconsider the case of the respondents in the light of Government Order No. 141 of JK(PDD) of 2023 dated 21.11.2023.
2. The impugned judgment is challenged by the petitioners on multiple grounds. However, before we advert to the grounds of challenge urged by

learned Senior AAG appearing for the petitioners, we deem it appropriate to give a brief resume of the background facts.

3. The respondents came to be appointed as Data Entry Operators vide Government Order No. 317-F of 1998 dated 11.12.1998, in the then pay scale of Rs. 4000-6000, and were assigned to serve in the Excise and State Taxes Department. The counterparts of the respondents, who, as per the respondents, were also appointed as Computer Operators to perform similar duties, were assigned different departments like Power Development Department (PDD) and Forest Department in the Union Territory of J&K. So far as the Computer Operators who were assigned to serve the Department of Forest are concerned, they were appointed in the higher pay scale of Rs. 6500-10500 (pre-revised), whereas the respondents herein, who were posted in Excise and State Taxes Department and those posted in PDD were placed in the lower pay scale of Rs. 4000-6000 (pre-revised). It is the case of the respondents that their counterparts working in the PDD approached this Court by way of SWP No. 1911/2013, titled "*Anil Raina and others v. State of J&K and others*", for seeking pay parity with their counterparts working in various departments. The litigation launched by Anil Raina and others, who were working as Computer Operators/Data Entry Operators in the PDD, was decided finally in their favour, and they were held entitled to pay parity with their counterparts working in the Department of Forest. The judgment passed by this Court dated 20.07.2016, after it attained finality, was implemented by the petitioners by issuing Government Order dated 141 of JK(PDD) of 2023

dated 21.11.2023. The Computer Operators/Data Entry Operators working in the Department of PDD were held entitled to the higher pay scale of Rs. 6500-10500 (pre-revised), which was being paid to their counterparts in the Department of Forest.

4. The respondents herein, claiming to be similarly situated with their counterparts working in various Government Departments too, had filed petition i.e. SWP No. 1833/2002, titled "*B.K. Sudan and others v. State of J&K and others*", which was disposed of by this Court vide order dated 14.10.2010, directing the petitioners herein to accord consideration to the representation of the respondents for release of grade and take a decision in the matter within a period of twelve weeks. It seems that the consideration was not accorded to the representation of the respondents for a pretty long time and this constrained the respondents to file CPSW No. 56/2012, alleging non-compliance. During the pendency of the contempt petition, the petitioners passed a consideration order i.e. Government Order No. 255-F of 2023 dated 26.12.2023, rejecting the claim of the respondents for pay parity with their counterparts working in other departments. On the other hand, the petition filed by Anil Raina and others working in various departments stood disposed of on merits vide order dated 20.07.2016, to which we have made reference hereinabove.
5. Be that as it may, faced with the order of rejection passed through Government Order dated 26.12.2023, the respondents filed O.A. No. 115 of 2024. The O.A. was contested by the respondents by filing their objections. Having considered the matter in the light of pleadings of both

the parties, the Tribunal came to the conclusion that fresh order of consideration in the light of Government Order No. 141 of JK(PDD) of 2023 dated 21.11.2023, was required to be passed and, accordingly, the OA was disposed of with a direction to the petitioners to accord consideration to the case of the respondents afresh, keeping in view the Government Order No. 141 of JK(PDD) of 2023 dated 21.11.2023. It is this judgment passed by the Tribunal on 24.09.2024, which is called in question in this petition.

6. Having heard learned counsel for the parties and perused the record, we are of the considered opinion that the judgment impugned, directing the petitioners to reconsider the claim of the respondents in the light of Government Order dated 21.11.2023 (*supra*), is not sustainable in absence of the Tribunal returning a specific finding that the respondents are either on a par with their counterparts serving in the Department of Forest or those serving in the PDD. The Tribunal was also required to return a specific finding as to whether the case of respondents was covered by the Government Order dated 21.11.2023, and that respondents were entitled to the same benefit as was accorded to other counterparts working in the PDD Department. In the absence of any discussion on merits and also in the absence of any specific finding returned on the issues raised before the Tribunal, the direction to reconsider the case in the light of Government Order dated 21.11.2023 was totally uncalled for.
7. For the foregoing reasons, we find merit in this petition and same is accordingly allowed. The judgment passed by the Tribunal is set aside.

We, however, clarify that reconsideration order passed by the petitioners i.e. Government Order No. 118-FD of 2025 dated 08.04.2025, which has been passed in compliance with the judgment we have set aside, has been rendered otiose and is deserved to be ignored. The matter is remanded back to the Tribunal to reconsider the matter and decide the same after addressing the merits of controversy, keeping in view the observations we made hereinabove. Having regard to the fact that this litigation was started by the respondents in the year 2002, we would request the Tribunal to rehear the matter and decide the same at the earliest, preferably within a period of two months from today.

8. Disposed of.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
08.09.2025
Vishal Khajuria

Whether the order is speaking:

Whether the order is reportable:

Yes/No

Yes/No

HIGH COURT

OF JAMMU & KASHMIR AND LADAKH