

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No.625/2024 CM No.1709/2024

UNION TERRITORY OF J&K AND ORS. ...Petitioner/Appellant(s)

Through: Mr. Mohd Younis Hafiz, Assisting Counsel vice
Mr. Ab. Rashid Malik, Sr. AAG for R 1 to 3.
Mr. T. M. Shamsi, DSGI with
Ms. Rehana Qayoom, Advocate for R 4 to 9.

Vs.

MOHAMMAD MAQBOOL AND ORS. ...Respondent(s)

Through: Mr. N. A. Tabasum, Advocate with
Mr. Mohd Idrees and Mr. Abid Bashir, Advocates.
Mr. Ateeb Kanth, Advocate for R 3 and 32.

CORAM:

HON'BLE MR JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

ORDER
28.07.2025

(ORAL)

1. This is a petition filed by the petitioners under Article 226 of the Constitution of India, directed against the judgment and order dated 03.10.2023 (for short 'the impugned judgment') passed in T.A. No.1350/2021 titled "*Mohd Maqbool Dar and Ors. Vs. State of J&K and Ors.,*" by the Central Administrative Tribunal Srinagar Bench (for short 'the Tribunal'). The impugned judgment is assailed by the petitioners primarily, on the ground that the Tribunal has failed to appreciate that the petitioners cannot pay the salary to the respondents (Draftsmen) in the pay scale of Rs.5150-8300 for the reason that the Pay Revision Rules of 1992 prescribe the pay scale of Draftsman as Rs.4000-6000. He submitted that the pay scale of Rs.5150-8300 would be applicable to the Draftsmen after completing eight years of service.

2. Having heard learned counsel for the parties and perused the record, we are of the considered opinion that the issue raised by the petitioners in this petition before us is no longer *res-integra*.
3. The issue cropped up for consideration before this Court for the first time in SWP No.2047/2003 which was allowed by the learned Single Judge of this Court vide order dated 21.11.2008 and a direction in the said petition was issued to the petitioners to release the pay scale of Rs.5150-8300 in favour of the respondents on the analogy of similarly situated Draftsmen who had already been released the aforesaid pay scale by the petitioners herein on their own.
4. The judgment passed by the learned Single Judge was assailed before the Division Bench and, thereafter, before the Hon'ble Supreme Court by way of a Special Leave Petition. The judgment passed by the learned Single Judge remained undisturbed and was finally implemented by the petitioners. In this way, almost all the Draftsmen similarly situated with the respondents who were entitled to initial pay scale of Rs.4000-6000, as per the Pay Revision Rules 1992, came to be placed in the pay scale of Rs.5150-8300.
5. Indisputably, the respondents who were similarly placed with petitioners in the writ petition titled "Sham Paul Randhawa Vs. State & Ors" (in SWP No.2047/2003) also came to this Court in the year 2008. The direction was issued to the petitioners herein to consider the case of the petitioners therein on the analogy of the similarly situated persons who were writ petitioners in the writ petition titled Sham Paul Randhawa (*supra*). The judgment was not accepted by the petitioners herein and an appeal was filed under clause 12 of the Letters Patent before the Division

Bench of this Court. After dismissal of the appeal of the petitioners, a contempt petition was filed by the respondents seeking implementation of the judgment.

6. During the course of contempt proceedings, a consideration order rejecting the claim of the respondents was placed on record which was made subject matter of challenge by the respondents before this Court in a writ petition which on transfer to the Tribunal registered was as T.A No.1350/2021. It is the said T.A which has now been allowed by the Tribunal.
7. We have gone through the entire judgment passed by the Tribunal and we are of the view that the Tribunal has only followed the judgment passed by this Court in favour of similarly situated Draftsmen and has rightly concluded that the respondents cannot be discriminated in the matter of giving the pay scale of Rs.5150-8300, for the reasons that they are similarly situated with hundreds of other Draftsmen who are already enjoying the pay scale of Rs.5150-8300. The judgment passed by the Tribunal is, thus, in tune with the Division Bench Judgment passed by this Court in case titled “State of J&K and Ors. Vs. Sheikh Rashid Ahmad and Ors.,” in LPASW No. 84/2016 decided on 14.02.2019 and, therefore, does not suffer from any legal infirmity.
8. For the aforesaid reasons, we found no merit in this petition. Same is accordingly, dismissed.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR

28.07.2025

Ishaq

Whether the judgment is speaking ?
Whether the judgment is reportable ?

Yes/No
Yes/No