

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

Reserved on: 21.07.2025
Pronounced on: 30.07.2025

LPASW No. 147/2017

1. State of J&K through
Commissioner/Secretary to Government,
General Administration Department,
Civil Secretariat, Srinagar.
2. J&K Institute of Management, Public
Administration and Rural Development
through its Executive Council, Maulana Azad
Road, Srinagar.
3. Financial Commissioner/Director General
J&K Institute of Management Public
Administration and Rural Development,
Maulana Azad Road, Srinagar.
4. Joint Director, Institute of Management &
Public Administration & Rural Development
Maulana Azad Road, Srinagar.

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

Through: Mr. Numan Idrees Malik, GA

Vs.

1. Masrat Saleem W/o Dr. Shahnawaz Alam, House
No. 3-H Rawalpura, Housing Colony, Sanat Nagar,
near Star Hospital, Srinagar.
2. Mohsin Alam S/o Dr Shahnawaz.
3. Shuhaib Alam S/o Dr. Shahnawaz Alam
4. Syed Bisma D/o Dr. Shahnawaz Alam
5. Dr. Mohammad Ismail Parray S/o Late Gh.
Ahmad Parray R/o B-568 Badshah Flats Srinagar
Ex-Associate Professor /J.D. IMPA.

...Respondent(s)

Through: Mr. Salih Pirzada, Adv. with
Mr. Aabid Hamid Bhat, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

J U D G M E N T

Per Sanjeev Kumar, J.

1. This intra-court appeal by the then State of J&K (now UT of J&K) and three others arises from an order and judgment dated 30th October 2015 passed by the learned Single Judge of this Court [the "Writ Court"] in SWP No. 1677/2000, whereby the Writ Court has allowed the writ petition filed by the respondents and quashed the order No. 356 of 1999 dated 28th October 1999, [order impugned in the writ petition] and held that the respondents having been appointed with UGC scale of pay shall be entitled to receive UGC pay scale.

2. Before we advert to the grounds of challenge urged by Mr. Numan Idrees Malik, learned GA appearing for the appellants, we deem it appropriate to notice few relevant facts.

3. The respondents were initially appointed as Assistant Professors-cum-Research Officers in the UGC pay scale of Rs. 700-1600 plus usual allowances vide Order No. 142 IMPA/87 dated 13.02.1987 and order No. 140 IMPA/87 dated 13.02.1987.

4. Vide office Order No. 434 dated 25.05.1988, the pay scales of Assistant Professors, Associate Professors and Professors were revised. The pay scale of Assistant Professor which was Rs. 700-1600 was revised to Rs. 2200-4000. It seems that subsequently on the basis of recommendations of the Selection Committee of IMPA ["Institute of Management and Public Administration"], the respondent No. 2 Dr. Mohammad Ismail Parray was appointed as Associate Professor in the pay scale of Rs. 3700-5300/-.

Similarly, the respondent No. 1 Dr. Shahnawaz Alam Naqashbandi was also

appointed by way of direct recruitment as Associate Professor in IMPA in the UGC pay scale of Rs. 3700-5300 in terms of IMPA Order No. 390 of 1992 dated 06.01.1992.

5. The pay revision for the State Government employees was effected in terms of SRO 18 dated 19.01.1998 and the same was adopted and made applicable by IMPA to its employees excluding faculty posts of Professor, Associate Professor and Assistant Professor, but, no final decision with regard to the revision of the pay scales of faculty members was taken. However, on account of interim pay revision adopted by IMPA, the faculty members were given the corresponding revised pay scale of the State Government. Before any final decision with regard to pay revision of faculty members of IMPA could be taken, the respondents herein filed SWP No. 1677/2000 seeking *inter-alia* a writ of Certiorari for quashing the interim pay revision order i.e., IMPA Order No. 356 of 1999 dated 28.10.1999.

6. The impugned order was assailed by the respondents primarily on the ground that the respondents having been appointed in the UGC pay scale were entitled to a revised pay scale prescribed by UGC and not the corresponding pay scale of the State Government. The plea was accepted by the Writ Court and in terms of the judgment impugned, the writ petition filed by the respondents was allowed holding the respondents entitled to revised UGC pay scale.

7. The appellants are aggrieved of and have assailed the impugned judgment of the Writ Court *inter-alia* on the ground that the Writ Court has not appreciated the fact that the employees of IMPA were governed by the IMPA Service Regulations of 1992, whereby the UGC Grade prescribed earlier for the faculty positions were deleted. They submit that deletion of UGC pay scale was effected in the year 1992 and the same was challenged

by the respondents in the year 2000 i.e., after eight years. It is also urged by the appellants that the respondents being employees of IMPA which is a Society registered under the J&K Societies Registration Act are not entitled to UGC pay scales unless the same are adopted by the competent authority of IMPA. It is also argued that the Writ Court did not appreciate the fact that the impugned order challenged in the writ petition was only an interim pay revision and is subject to taking a final decision by the competent authority. It is submitted that the matter already stood taken up with the Finance Department and the decision was to be taken up after obtaining its opinion. The writ petition was, therefore, premature and ought to have been dismissed.

8. *Per contra*, learned counsel for the respondents would argue that the Writ Court has rightly appreciated the controversy and having found that the respondents having been appointed under UGC pay scale cannot be deprived of the said pay scale by any subsequent decision. It is submitted that the Writ Court has rightly taken note of the fact that in the advertisement notification inviting applications for filling up the post of Assistant Professors, the IMPA had made a categorical representation that the appointments shall be in the UGC pay scales.

9. Heard learned counsel for the parties and perused the material on record.

10. The facts which are not in dispute are that the respondents (writ petitioners) were appointed as Associate Professors in IMPA prior to 1992 and were given the UGC pay scale. The UGC pay scale given to the petitioners were at the time of their initial recruitment and also for the reason that there were no regulations of the Society governing the pay scales of its faculty in existence.

11. From plain reading of the advertisement notification pursuant to which the respondents were appointed as Associate Professors, it clearly transpires that there was no representation made or promise extended that UGC pay scale in which the selected candidates would be appointed, would be governed by the UGC Regulations. There is nothing on record to suggest that services of faculty positions of the IMPA are *ipso facto* governed by the UGC Regulations particularly those pertaining to pay revision of faculty members of various universities and colleges. True it is that in the absence of regulations by IMPA, the IMPA was well within its right to adopt the UGC Regulations. The IMPA only adopted the pay scale for the faculty positions without extending any promise that in future the pay scales as revised by UGC would be given to the faculty positions.

12. In the year 1991, the IMPA in the exercise of powers vested in it under Rule 21 of the J&K IMPA Rules, framed the Draft Regulations known as IMPA Regulations, 1991. The said regulations indicated UGC pay scales for the faculty posts in the IMPA Society. However, while approving the Draft Regulations in the year 1992, the UGC pay scales indicated in the Schedule of the regulations against the faculty positions of Assistant Professors, Associate Professors and Professors were deleted. The appellants were thus brought on a par with the Government employees holding the similar positions. This aspect of the matter has not been considered by the Writ Court. The Writ Court is apparently persuaded only by the fact that at the time of initial appointment as Associate Professors, the respondents were given the pay scale which was available to the Associate Professors under the UGC Regulations.

13. As a matter of fact, the writ petition filed by the respondents was premature, in that, a final decision in the matter was yet to be taken by

IMPA. That apart, the Writ Court has also failed to appreciate that in the absence of challenge to the IMPA Regulations of 1992 deleting UGC pay scales mentioned in the Schedule of the Regulations against the faculty positions, no relief could have been granted. The employees of IMPA including its faculty members are governed by the IMPA Regulations, 1992 and not by UGC pay regulations for faculty members.

14. It is not in dispute that the IMPA has not so far taken any policy decision to implement the UGC pay scales and their corresponding revisions from time to time.

15. From reading of IMPA Regulations 1992, it clearly transpires that the regulations are not only applicable to other employees of IMPA, but are also applicable to the faculty members like Professor, Associate Professor and Assistant Professor. It seems to be true that after approval of J&K IMPA Regulations 1992, with the deletion of word “*UGC*” in Schedule I (for Faculty Cadre), another resolution was passed to provide for pay revision of the employees of IMPA excluding the employees who had already got UGC scales on the same pattern and from the same dates as applicable to the State Government employees in terms of SRO 75 and 76 dated 30th March 1992. As is clarified by the appellants in their reply affidavit, the employees who had already been given the UGC pay scales were excluded, so that the benefits which they had drawn under UGC pay scales and their salary are protected. However, the J&K IMPA Regulations, 1992 were neither amended nor altered.

16. In view of the foregoing discussion, we are of the considered opinion that the judgment passed by the Writ Court is not sustainable in law and the same deserves to be set-aside.

17. The respondents as also the other faculty members of IMPA are governed by J&K IMPA Regulations, 1992, and the pay scales and pay revisions which are applicable to the State Government employees would be applicable to the IMPA employees including the faculty members. Although at one point of time, the IMPA management had mulled to provide different mechanism for the faculty members and had also taken up the matter with the Finance Department. However, before any deliberation could take place, the respondents approached this Court and challenged the interim pay revision order issued in respect of faculty members. When the writ petition filed by the appellants was contested by the IMPA, a specific plea was raised that the J&K IMPA Regulations of 1992 were applicable to all the employees including the faculty members and, therefore, in the absence of any challenge to the faculty regulations, the prayer of the respondents for giving benefits of UGC Regulations and their revision from time to time as per UGC Scheme of pay scale was wholly unsustainable.

18. Be that as it is, the fact remains that the writ petition filed by the respondents lacked merit and, therefore, ought to have been dismissed.

19. We, therefore, **allow** this appeal and set-aside the judgment of the Writ Court. We, however, make it clear that notwithstanding the dismissal of the writ petition filed by the respondents, it is left open to the IMPARD management to take a decision for framing a different set of pay rules for its faculty members as was contemplated in the year 1999.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

30.07.2025

Altaf

Whether the order is speaking? Yes/No

Whether the order is reportable? Yes/No