

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

[Through Virtual Mode]

RP No. 84/2024 in SWP No. 28/2016

Reserved On: 31st of August, 2026.
Pronounced On: 8th of September, 2026.
Uploaded On: 8th of September, 2026.

Whether the operative part or
full Judgment is pronounced: **Full.**

Suraj Parkash, Age: 67 Years
S/O Late Sh. Pritam Lal
R/O Gopinath Vihar, Udheywalla,
Jammu, District Jammu, 180018.

... Petitioner(s)

Through: -
Mr Razat Sudhan, Advocate.

V/s

- 1. State (now UT) of Jammu & Kashmir,**
Through Commissioner-cum-Secretary to Government,
Finance Department, Civil Secretariat, Srinagar.
- 2. Commissioner/ Secretary,**
Transport Department, Jammu.
- 3. Managing Director,**
J&K State Transport Corporation.

... Respondents

Through: -
None for R-1 & 2; and
Mr Faiz-ul-Arif Fahmi, Advocate for R-3.

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

(JUDGMENT)

01. The Petitioner had initially filed Writ Petition bearing SWP No. 28/2016, wherein he had prayed for the grant of following relief(s) in his favour:

“Writ of mandamus commanding the respondents to grant and place the petitioner in the higher pay grade of 5500-9000 w.e.f. 01.01.1996 pursuant to the promotion of

the petitioner as Test Driver/ Vehicle Inspector w.e.f. 08.06.1992 and release of pay grade appended to the post pursuant to the SRO 18 dated 19.01.1998 Rule 15 grade appended to the post;

With further direction directing the respondents to grant the grade pre-revised as per SRO 93 dated 15.04.2009 issued by the respondent No.1 thereby directing all Head of Departments, Managing Directors, Chief Executives of State, PSU, Autonomous Bodies to adopt the Pay Revised Rules w.e.f. 01.01.2006;

With further writ of mandamus directing the respondents to promote the petitioner as Assistant Work Manager/ Foreman in the Pay Grade of Rs.9300-34800+Grade Pay of Rs.4200/-; and

With further writ of mandamus commanding the respondents to release all the consequential monetary and other service benefits in favour of the petitioner.”

02. The aforesaid Writ Petition came to be finally disposed of by this Court vide Judgment dated 15th of October, 2024, in the following terms:

- i. The rejection order dated 24.08.2018 repudiating the claims of the petitioner are declared as inconsequential/ ineffective;
- ii. The respondents are directed to pass fresh order, in compliance of this judgment, by placing the petitioner in the relevant pay scales, in terms of SRO 18 of 1998 dated 19.01.1998 and SRO 93 of 2009 dated 15.04.2009; and
- iii. The differential arrears be paid to the petitioner, after conducting the whole exercise, within eight weeks from this date.”

03. The Petitioner, now, through the medium of the instant Review Petition, seeks review of the aforesaid Judgment dated 15th of October, 2024 passed in SWP No. 28/2016, only to the limited extent that the Court, while passing the Judgment, has not considered the claim of the Petitioner for grant of two higher grades which, as per the Petitioner, constitutes a sufficient reason for review of the Judgment dated 15th of October, 2024. It is stated that since the Petitioner has retired from service on reaching the age of superannuation in the year 2017 and, having regard to the length of his service and stagnation on one post with effect from 1992, that is for a period of 25 years, the Petitioner is entitled to grant of two higher grades,

one after the completion of 12 years and the other after completion of another 12 years.

04. The Respondents, despite availing opportunities, did not choose to file the Reply/ Objections to this Review Petition and, accordingly, their right to file the same was closed vide Order dated 22nd of April, 2026.

05. The learned Counsel appearing for the Review Petitioner has argued that the Petitioner had stagnated at one post for a period of 25 years and was not promoted till his superannuation and that he was entitled to be granted two higher posts; firstly, on completion of 12 years and secondly, on completion of 24 years. In this behalf, the learned Counsel has referred to and relied upon Judgment of the Apex Court passed in SLP No. 18286/2018 titled '**State of Himachal Pradesh & Ors. V. Surender Kumar Parmar**', decided on 6th of February, 2024; as well as the Judgment passed by the Hon'ble Supreme Court in case titled '**State of Tripura and Ors. v. K. K. Roy, 2004 (9) SCC 65**', by which the Apex Court had held that the Petitioners therein were entitled to be granted next pay grades after 12 years of stagnation at each stage.

06. It was, accordingly, prayed that the relief of promotion having not been granted by this Court in view of the superannuation of the Review Petitioner, vide the Judgment sought to be reviewed, the Review Petitioner seeks review of the Judgment to that extent that he be granted two higher grades on completion of 12 years twice during the stagnated period of 25 years without any promotion.

07. The learned Counsel appearing for the Respondent No.3, however, has strenuously opposed the plea raised on behalf of the Review Petitioner, asserting that the Review Petitioner had already been granted relief of *in-situ* promotions by this Court vide the Judgment sought to be reviewed; that the Respondents, pursuant to the aforesaid Judgment of this Court, while appearing in the Contempt Petition bearing CCP (S) No.

80/2025 filed by the Review Petitioner, had passed a detailed Order indicating that the benefits of the revised pay pursuant to SRO 18 of 1998 read with Government Order No. 47-F of 1998 dated 19th of January, 1998 had been already extended to the Review Petitioner herein, thereby complying with the Judgment and Order; and that, on the basis of the said consideration Order, the contempt proceedings were closed. He, finally, prayed that keeping in view the aforesaid facts, the present Review Petition deserves to be rejected.

08. Heard learned Counsel appearing for the parties and perused the pleadings available on record.

09. It appears that when the Judgment dated 15th of October, 2024 passed in SWP No. 28/2016, sought to be reviewed by the Petitioner in the present Review Petition, was not implemented by the Respondents, the Petitioner moved a Contempt Petition bearing CCP (S) No. 80/2025, wherein a Compliance Report dated 15th of November, 2025 came to be filed on behalf of the Managing Director, J&K, SRTC. In the said Compliance Report, the Respondents had placed on record Order dated 12th of November, 2025, whereby the claim of the Petitioner was stated to have been considered in the light of the Judgment passed by this Court and it was observed that, upon examination of the records and the Rules governing the field, the claim of the Petitioner for grant of benefits under the 5th and 6th Pay Commission is unfounded at this stage, as the said benefits have already been extended to him from time to time in accordance with the applicable Rules and Government Orders.

10. Thereafter, vide Order dated 25th of November, 2025, the said Contempt Petition filed by the Petitioner was closed with the observation that having regard to the directions contained in the Judgment and Order, non-compliance of which has been complained of in the Contempt Petition, as also the Compliance Report including the consideration Order, seemingly the Respondents have complied with the Judgment and Order.

11. In the light of the aforesaid subsequent developments, more particularly the consideration Order dated 12th of November, 2025; whereby the claim of the Petitioner stands considered and rejected purportedly in compliance of the Judgment sought to be reviewed, this Review Petition at this stage has turned *infructuous*. The Petitioner, however, shall be well within his right to challenge the consideration Order dated 12th of November, 2025 in appropriate proceedings, if so advised.

12. Apart from the above, the *in-situ* promotions, to which a Government employee is entitled in the Union Territory of Jammu & Kashmir on a stagnation of every nine years, have already been released in in favour of the Review Petitioner in the shape of higher pay grade(s), as is evident from the record produced by the Respondents.

13. The contention on behalf of the Review Petitioner that he is entitled to the higher pay grade after every 12 years during stagnation period of 25 years is not acceptable without any legal foundation in this behalf in the Union Territory of Jammu & Kashmir. The Judgments of the Apex Court referred to and relied upon by the Review Petitioner are not simply applicable, inasmuch as, those Judgments have been passed in the context of the service rules or conditions of service applicable to the employees of Himachal Pradesh and Tripura. The learned Counsel for the Petitioner has not been able to justify as to how those Judgments can be made applicable to the case of the Review Petitioner, more particularly in the light of the fact when he has already been granted and released the higher pay scales in view of stagnation after every nine years and there being no rule with regard to pay revision of a Government employee upon stagnation of 12 years in the Union Territory of Jammu & Kashmir, to which the Review Petitioner is also subjected to.

14. Viewed thus, the present Review Petition is found to be bereft of any merit and substance. The same is, accordingly, **dismissed**.

15. The record produced by learned Counsel for the Respondent No. 3 be returned to him against proper receipt.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
September 8th, 2026
"TAHIR"

i. Whether the Judgment is approved for reporting? Yes.

