

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

Pronounced on : 27.01.2026

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**WP (C) No. 9/2026
CAV No. 2353/2025**

1. UT of J & K through Petitioner(s)
Commissioner/Secretary to Govt., Health & Education Department,
Civil Secretariat, Jammu/Srinagar-180001.
2. Director Family Welfare,
MCH & Immunization, J & K.

Through :- Mr. Raman Sharma, AAG with
Ms. Saliqua Sheikh, Advocate

v/s

Sushma Devi, ...Respondent(s)
W/o Sh. Ram Gopal Sharma,
R/o Nanak Nagar, H. No. 221/7, Street 9, Jammu.

Through :- Mr. Sandeep Sharma, Advocate

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

**ORDER (ORAL)
27.01.2026**

CAV No. 2353/2025

1. With the appearance of learned counsel for the caveator, *caveat stands discharged.*

WP (C) No. 9/2026

1. Impugned in this petition, filed by the petitioners under Article 226 of the Constitution of India, is an order and judgment dated 09.06.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu [**“the Tribunal”**] in TA No. 9149/2020 titled *“Sushma Devi Vs. State of J & K & Ors.”*, whereby the Tribunal has allowed the petition filed by the respondent and directed the

petitioners herein to treat the respondent on a par with Respondent No. 12/Vijay Lakshmi in the TA and grant her the benefit of pay scale of 2000-3400 revised 6700-10700 from the date of her appointment to 31.04.2002 and pay scale of 7450-11500 from 01.05.2002 onwards.

2. Briefly stating, the facts leading to the filing of this petition are that pursuant to advertisement notification bearing No. 03 of 1992 dated 03.07.1992 issued by J & K State Subordinate Services Recruitment Board, Srinagar, the respondent along with few others came to be selected and appointed as Sister Tutor in the Department of Health in the year 1993. While the respondent along with one Vijay Lakshmi were appointed in the then pay scale of 2000-3200 (un-revised), 6500-10500 (revised) and Respondent No. 10 & 11 in the TA were given the higher pay scale of 2000-3400 (un-revised) 6700-10700 (revised), thereby creating a disparity in the same class i.e. class of Sister Tutor.
3. Feeling aggrieved, the respondent along with Vijay Lakshmi filed SWP 1571/2000 before this Court, which was disposed of vide order dated 26.08.2002 with a direction to the petitioners to place the respondent and Vijay Lakshmi in the pay scale of 2000-3400 (un-revised) 6700-10700 (revised), as was given to Respondent No. 10 & 11 in the TA.
4. The aforesaid direction passed in favour of the respondent and Vijay Lakshmi was not implemented by the petitioners, which constrained Vijay Lakshmi to file contempt petition before this

Court. Unfortunately, for the reasons best known to the respondent, no contempt petition was filed on her behalf. Under the pains of committing the contempt of the Court, the petitioners implemented the order (supra) only *qua* Vijay Lakshmi and granted her the pay scale of 2000-3400 (un-revised) 6700-10700 (revised) on the analogy of Respondent No. 10 & 11 in the TA. However, no such order was passed in favour of the respondent.

5. Ordinarily, the respondent ought to have filed contempt petition but the same was not done and a fresh writ petition was filed in the year 2010 which later came to be transferred to the Tribunal and registered as TA No. 9149/2020. The respondent claimed the similar relief which already stood granted to her in terms of order dated 26.08.2002 passed in SWP No. 1571/2000.
6. The petition (supra) was contested by the petitioners, who in their reply took a stand that matter with regard to the grant of pay scale claimed by the respondent on parity of Respondent No. 10 & 11 in the TA was taken up with the Department of Law but the same could not be granted due to disagreement expressed by the Law Department.
7. Having considered the rival contentions and the material available on record, the Tribunal came to the conclusion that there is no good and justifiable reasons to treat the respondent differently from Vijay Lakshmi and Respondent No. 10 & 11 in the TA and, therefore, allowed the TA No. 9149/2020 with the direction, which we have referred to hereinabove.

8. **Having heard learned counsel for the parties at length and perused the material available on record, we are of the considered opinion that** the case of patent discrimination between the respondent, Vijay Lakshmi and Respondent No. 10 & 11 in the TA has been made out. Indisputably, the respondent, Vijay Lakshmi and two others were appointed as Sister Tutor in the year 1993. The respondent and Vijay Lakshmi were appointed in the then pay scale of 2000-3200 (un-revised), whereas the Respondents 10 & 11 in the TA, were given the higher pay scale of 2000-3400 (un-revised). The respondent along with Vijay Lakshmi, who were discriminated in the matter of grant of pay scale, were before this Court by way of SWP No. 1571/2000. The writ petition was allowed and a direction was issued to the petitioners to provide the same pay scale to the respondent and Vijay Lakshmi as was provided to Respondent No. 10 & 11 in the TA.
9. It is strange that the judgment passed by this Court was implemented only *qua* Vijay Lakshmi and not in respect of the respondent and this was probably for the reason that Vijay Lakshmi had filed a contempt petition seeking compliance of judgment passed in SWP No. 1571/2000.
10. Ordinarily and as is expected from a model employer, a concluded judgment passed by this Court, unless it is assailed before the higher forum and is modified, is required to be implemented, *qua* all the beneficiaries of the judgment. It is very strange that the judgment (*supra*) is complied only in respect of the person, who had

filed the contempt petition, and left those, who had chosen not to file contempt petition.

11. The controversy ought to have ended in the first round, had the government acted in all its fairness and complied with the judgment passed by the Court. This, however, did not happen, which constrained the respondent to file another writ petition, which has now been disposed of by the Tribunal in terms of the judgment impugned and the Tribunal has found out a clear case of disparity in which the respondent alone has been discriminated *viz-a-viz*. the counterparts who were appointed along with her and had issued direction to bring the respondent on a par with Vijay Lakshmi as well as Respondent No. 10 & 11 in the TA.

12. We find no reason or justification to interfere with the order impugned passed by the Tribunal. For the foregoing reason, **we find no merit in this petition and the same, is accordingly, dismissed.**

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
27.01.2026
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Whether the order is speaking : Yes/No
Whether the order is reportable : Yes/No