



*Government of Jammu and Kashmir,
Housing & Urban Development Department,
Civil Secretariat Jammu/Srinagar

Subject:-SWP No. 1368/2003 titled Raj Kumar KhajuriaVs State of J&K and others.

Government Order No. 151 – HUD of 2018
D a t e d : - 18 -04- 2018

Whereas, petitioner namely Shri Raj Kumar Khajuria was appointed in the JMC as Horticulture Assistant in the year 1966;

Whereas, the officer availed promotions from time to time in the respective pay scales as were admissible to the officer as per rules governing the service;

Whereas, on the recommendations of the Commissioner, Jammu Municipal Corporation, the post of Horticulture Officer was upgraded from the Pay Scale of 10,000-15200 (PR) to the Pay Scale 12,000-16,500 (PR) borne on the cadre of Jammu Municipality w.e.f. October,01, 2000 to ending September,2001 vide Government Order No. 232-HUD of 2001 dated 22.10.2001;

Whereas, Shri Raj Kumar Khajuria, Horticulture Officer Jammu Municipality was placed/adjusted in his personal capacity against the upgraded post of Director Horticulture;

Whereas, Shri Raj Kumar Khajuria approached the Hon'ble High Court through SWP No. 1368 of 2003 praying therein for release the pay scale in his favour attached to the post of Director, Horticulture;

Whereas, the Hon'ble High Court vide order dated 04.03.2016 disposed of the SWP No. 1368 of 2003 the operative part of which reads as under:

“Accordingly, the petition is disposed of with a direction to the respondents to consider the claim of the petitioner for release of grade attached to the post of Director Horticulture provided the same is applicable to the case of the petitioner. Let consideration order be passed within a period of two months from the date a copy of this order is served upon the respondents by the petitioner.”

Whereas, the case of petitioner Shri Raj Kumar Khajuria,(Ex-Director Horticulture, JMC in view of the Hon'ble High Court orders has been examined in the

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Department and it has been found that he was subordinate officer to Commissioner, JMC carrying the pay scale of Rs.14300-18300 (pre-revised); .

Whereas, petitioner Shri Raj Kumar Khajuria Ex-Director Horticulture, Jammu Municipal Corporation further has no comparison with the Director Horticulture Department in the Government as the Director Horticulture Department is the major head of Department and cadre managing officer of the Department. Further the post of Director, Horticulture carrying the pay scale of Rs.14300-18300 (PR) is filled up by promotion from the Joint Directors carrying the pay scale of Rs.12000-16500 (PR)

Whereas, petitioner Shri Raj Kumar Khajuria was placed/adjusted as Director Horticulture against the upgraded and redesignated post in the pay scale of 12000-16500(PR) which was as per rules as he could not have been placed in the pay scale of 14300-18300(PR) as there was a level jump which is not covered under rules.

Now therefore having regard to the orders of the Hon'ble High Court, the case has been examined in detail and found devoid of merit hence rejected.

By order of the Government of Jammu and Kashmir.


Sd/-
(K. B. Agarwal) IAS
Financial Commissioner
Housing and Urban Dev. Department

NO:- HUD/lit/217/2016-JMC

Dated:- 18 -04- 2018

Copy to the:-

1. Commissioner JMC, Jammu.
2. OSD to Hon'ble Dy. Chief Minister for Housing and Urban Dev. Deptt.
3. Spl. Assistant to Hon'ble Minister of State of H&UDD.
4. PS to Financial Commissioner Housing and Urban Dev. Deptt.
5. Concerned.
6. Government order file (w.2.s.c)
7. Website Master


(Syed Nazir Ahmad)
Under Secretary to Government
Housing & Urban Dev. Department