Government of Jammu & Kashmir
Civil Secretariat, Finance Department

O.M.No. A/29(96)-II-A-59
Dated 20.03.2019.

Subject: *Clarification to Government Order No. 277-F of 2018 dated 06.06.2018 passed in consideration of Hon'ble High Court Order dated 09.11.2017 passed in SWP No. 2679/2017, MP No. 01/2017 in case titled Faqir Chand & Ors Vs State & Ors- regarding grant of benefits of SRO 59 dated 06.02.1990.*

Reference: *Accountant General J&K's D.O No. PNRJ-02/SRO-59 dated 09.01.2019.*

The Accountant General, J&K, Jammu vide above quoted reference has sought clarification to the implementation of subject cited Government Order No. 277-F of 2018 dated 06.06.2018 for regulation of Pay under SRO-59 dated 06.02.1990 as modified vide SRO 393 dated 27.11.1997 and subsequently deleted vide SRO 231 dated 15.07.2003 read with Government Order No. 165 –F of 2003 dated 11.08.2003 w.e.f 15.01.1996.

Finance Department vide No. A/29(96)-161 dated 09.06.2006 intimated/ clarified the Accountant General, J&K, Srinagar in the matter as under:

> *"Kindly refer your communication resting with No. PNR-I/Aee/SRO-59/2332 dated 27.12.2005 regarding the subject noted above. In this context, the undersigned is directed to state that in case any employee who had been otherwise due for his placement in the "apportioned" graded pay scale in terms of the provisions of Appendix-2-A of J&K Civil Service (Revised) Pay Rules, 1987 as inserted vide SRO-59 of 02/1990, amended from time to time, with regard to relevant "apportioned" grade structure but has not been given benefit which was due upto 15.01.1996, (date of issue of SRO-14) due to reasons purely attributed to procedural delay may be considered at this stage, but it should be within the relevant*

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"apportioned" Grade structure of the relevant said "Appendix 2-A of J&K Civil Service (Revised) Pay Rules, 1987".

Again, vide No. A/29(96)-I-192 dated 08.01.2014 Finance Department, inter-alia, clarified the Accountant General, J&K, Srinagar in the matter as under:

"Procedural delay duly authenticated by concerned Head of the Department in allowing the benefit of SRO-59 retrospectively shall be allowed. However, in such cases provisions of Rule 2.43 of Financial Code Vol-I shall be taken into account for the purpose of time barred arrears".

In the meanwhile Faqir Chand & others employees of various Departments filed multiple writ petitions before the Hon'ble High Court demanding the benefits of SRO-59/1990 and in compliance of the orders of the Hon'ble High Court and consequent to the above clarifications, the benefits were extended to them without payment of arrears as is evident from his applications. But these ex-employees aggrieved of non-payment of arrears w.e.f 1995 again filed a writ petition before the Hon'ble High Court bearing SWP No. 2679/2017 pleading/ demanding therein for payment of arrears w.e.f. 1995 on the analogy of those employees of PDD who were granted the benefit vide Government Order No. 78-PDD of 1995 dated 20.03.1995.

The Hon'ble High Court vide order dated 09.11.2017 directed respondent No. 02 (Commissioner Secretary to Government, Finance Department) to accord consideration to the claim of the petitioners and the representation submitted by the petitioners.

In compliance of the orders of the Hon'ble High Court, Finance Department vide Government Order No. 277-F of 2018 dated 06.06.2018 considered the claim of the petitioners namely Faqir Chand & Ors for their demand to the payment of arrears and found the arrears claim time barred hence not covered under the aforesaid clarifications, thus devoid of merits, hence rejected the claim.

It is, accordingly, clarified that Government Order No. 277-F of 2018 dated 06.06.2018 is relevant & applicable to the Court case/ claim of the petitioners namely Faqir Chand & Ors only. The Departments need to settle the individual cases on the strength of applicable rules.

Sd/=
(**S. *L. Pandita***),
Director (Codes),
Finance Department.

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Copy to the:-

1. Advocate General J&K High Court Srinagar/Jammu.
2. All Financial Commissioners.
3. Principal Accountant General, J&K Srinagar/Jammu.
4. All Principal Secretaries to Government.
5. Principal Secretary to Hon'ble Governor.
6. Chief Electoral Officer, J&K, Jammu.
7. All Commr/Secretaries to Government.
8. Principal Resident Commissioner, 5 Prithvi Raj Road, New Delhi.
9. Divisional Commissioner Kashmir/Jammu.
10. Commissioner of Vigilance, J&K Srinagar/Jammu.
11. Principal Secretary to Chief Justice J&K High Court Srinagar/Jammu.
12. Registrar General, J&K High Court Srinagar/Jammu.
13. Director General Local Fund, Audit & Pensions, J&K.
14. Director General Funds Organization J&K.
15. Director General Accounts & Treasuries, J&K.
16. Director General Budget, J&K.
17. Director General Audit & Inspections, J&K.
18. Director Information J&K.
19. All Head of Departments /Managing Directors/Chief Executive of State PSU's/Autonomous Bodies.
20. Secretary J&K Public Service Commission J&K.
21. All District Development Commissioners.
22. Secretary J&K Legislative Assembly/Legislative Council.
23. Director Finance, Principal Northern Zonal Accountancy Training Institute Jammu/Srinagar.
24. Director Accounts & Treasuries Srinagar/Jammu.
25. All Director Finance/Financial Advisors & CAO's.
26. Joint Director Funds Organization Srinagar/Jammu.
27. All Treasury Officers.
28. General Manager, Government Press for publication in Government Gazette.
29. Pvt. Secretary to Chief Secretary.
30. Pvt. Secretary to Advisor (G,K,S,KS),
31. All officers/Section officers of Finance Department.
32. I/c Website, FD. (www.jandkfinance.nic.in).
33. I/c Website, GAD (www.jkgad.nic.in).
34. Government order file (W2scs).

Accounts Officer (Codes),
Finance Department.
20/03/2019.

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