



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 8703/2020
(SWP No.2311/2018)

Thursday, this the 18th day of March, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd, Jamshed, Member (A)

Dr. Parvaiz Ahmad Shah
Aged about 60 years
s/o Pir Sharief Ud Din Shah
r/o H.No.35, Mominabad
Hyderpora Bye-Pass, Srinagar

..Applicant

(Mr. Salih Pirzada, Advocate)

Versus

1. State of Jammu & Kashmir through Chief Secretary to Govt., Civil Secretariat, Jammu / Srinagar
2. Principal Secretary to Govt., Health & Medical Education Department, J & K, Civil Secretariat, Jammu/Srinagar

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was working as Professor / Head of Department in the Government Medical College, Srinagar in the year 2017. Steps were initiated for selection and appointment of the Principal of that College on regular basis. The case of the applicant and several others, who were juniors to him, were

considered and the Selection Committee has chosen one Dr. Samia Rashid as Principal. The applicant states that Dr. Samia Rashid is his junior as Professor and once she starts earning higher emoluments as Principal, he too is entitled to be extended the same benefits. A representation is said to have been made in this behalf, and complaining that no steps were taken thereon, he filed SWP No.2311/2018 before the High Court of Jammu & Kashmir with a prayer to direct the respondents to place him in the pay scale of Rs.37400-67000 with Grade Pay of Rs.12000/- retrospectively, regardless of promotion granted to junior member, in terms of Government order dated 08.05.2017.

2. The respondents did not file any counter affidavit.
3. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir and re-numbered as T.A. No.8703/2020.
4. Today, we heard Mr. Salih Pirzada, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General, through video conferencing.
5. The record discloses that the applicant as well as the person, who was selected and appointed as Principal of Government Medical College, Srinagar, have retired from service. The claim of the applicant is for grant of pay scale with retrospective effect, on par with his junior. The question as to

whether there exists any anomaly at all and if so, the nature of benefit that can be extended to the applicant, needs to be examined. Another aspect is as to whether the grievance would still subsist once both the incumbents have retired from service. The question as to whether there can be any occasion to bring about the pay parity if the appointment of junior to a higher post was on the basis of selection, also needs to be kept in mind.

6. We, therefore, dispose of the T.A, directing the respondents to pass orders on the representation made by the applicant, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 18, 2021
/sunil/jyoti/vb/ankit