

GOVERNMENT MEDICAL COLLEGE & ASSOCIATED HOSPITALS SRINAGAR
10-KARAN NAGAR, SRINAGAR-190010, JAMMU & KASHMIR
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Subject:- LPA No. 358/2006- titled as Shoukat Ahmad Bhat V/s State of Jammu & Kashmir and Others and release of grade of Rs. 6500-10500 from the date of its retrospective effect.

ORDER NO: 087/AH-2022

DATED:- 05-01-2022

Whereas Mr. Shoukat Ahmad Bhat, S/o Ali Mohd Bhat R/o Rawalpura Srinagar near Govt. Higher Secondary School Sanatnagar was appointed as E.E.G Technician in the pay scale of 600-925 against the available post in the Psychiatric Diseases Hospital Srinagar vide Order No:- Adm/551 of 1984 Dated:- 15-02-1984 issued under endorsement no:- Adm/Est-I/9110-12 dated:- 15-02-1984.

Whereas in terms of Govt. Order No:- 7-HME of 1990 dated:- 13-01-1990, the post of E.E.G Technician carrying the pay band of (1550-2550), (6500-10500) (Revised) was created in Govt. SMGS Hospital Jammu.

Whereas by virtue of Govt. Medical College Jammu Order No.:- 176-AHJ of 2001 dated:- 18-05-2001, Shri Sat Kumar Gupta was accorded notional promotion to the post of E.E.G Technician in the pay band of 1550-2550 (pre revised), 6500-10500 (Revised) w.e.f 01-06-1992.

Whereas Mr. Shoukat Ahmad Bhat, E.E.G Technician approached the Hon'ble High Court in the shape of Writ Petition bearing No. 164 of 2005 titled as Shoukat Ahmad Bhat V/s State of Jammu & Kashmir and Others claiming for release of grade pay of Rs. 6500-10500 as granted in favour of Shri Sat Kumar Gupta from the date as admissible under rules.

Whereas the above Service Writ Petition was forwarded to the Administrative Department for seeking necessary instructions and clarifications regarding the pay disparity vide this office letter no.:- Leg/MC/433 dated:- 31-05-2005.

Whereas the method of recruitment/promotion to various categories of posts in Govt. Medical College Jammu/Srinagar were notified in terms of Executive Order No.:- 26-HME of 2006 dated:- 19-01-2006 issued under endorsement no.:- ME(NG)126/2004 dated:-19-01-2006 and the hierarchy of Neurology Unit is reproduced as under:-

Class	Category	Designation of the post	Pay Scale of the post	Minimum Qualification	Method of Recruitment
XII	A	EEG Technician-I	6500-10500	-	100% by promotion from Class XII Category B with five years service as such.
	B	EEG Technician-II	5000-8000	10+2 or above qualification with Diploma in the line from recognized Institute.	i) 50% by direct recruitment. ii) 50% by the promotion from in-service candidates with five service and having one year special training course in the line.

05-01-2022
MP

Whereas on the basis of Govt. Order No.:- 26-HME of 2006 dated:- 19-01-2006 and the judgment dated:-10-08-2006 passed by the Hon'ble Court under Service Writ Petition No. 164 of 2005 titled Shoukat Ahmad Bhat V/s State of Jammu & Kashmir and Others, was disposed with the direction/recommendation which reads as below:-

"The respondents would look into this anomaly and try to sort it out so that both the employees get appropriate promotional avenues and scales of pay commensurate with the work performed by them."

Whereas subsequent to the decision passed by the Hon'ble Court in its judgment dated:- 10-08-2006, this office received LPA bearing No.:- 358 of 2006 under C.M.P No.:- 539/06 dated:- 03-11-2006 titled as Shoukat Ahmad Bhat V/s State of Jammu & Kashmir and Others seeking stay of the operation and implementation of Impugned Judgment and Order dated:- 10-08-2006 till the same would be in consonance with law and justice.

Whereas the copy of LPA bearing No.:- 358 of 2006 was forwarded to Learned Additional Advocate, General J&K High Court, Srinagar vide No.:- Legal/821/MC Dated:- 14-11-2006 for conduction on behalf of State.

Whereas after series of sittings/hearings, the Hon'ble High Court finally passed the order dated:-07-10-2015 under LPA (SW) No.:- 358/2006.The operative portion is reproduced as under:-

"In view of the above, we deem it proper to allow the appeal. Accordingly, the same is allowed and the judgment and order dated:- 10-08-2006 passed by the learned Single Judge is set aside. Respondents are directed to accord the appellat-writ petitioner the pay scale of 6500-10500 attached to the post of Electro Enciphilo Gram (E.E.G) Technician on the same terms as has been accorded to this Counterpart in SMGS Hospital, Jammu/ Government Medical College, Jammu. Respondents to accordingly release all consequential benefits in favour of appellat-writ petitioner."


Whereas the copy of above judgment was forwarded by the Administrative Department (Health & Medical Education) vide No.:- ME/Legal/NG/119/2015-S dated:-15-01-2016 to this office wherein they have requested to furnish full details of the case alongwith action taken report in the matter.

Whereas the detailed report was forwarded to Administrative Department vide this office communication No.:- AH/Est-I/164/2005/1841-42 dated:- 30-04-2016 as obtained from the concerned authority, followed by another No.:- Legal/27/MC/Sgr. dated:- 06-05-2016.

Whereas Administrative Department vide communication No.:- ME/Legal/NG/01/2017-R dated:- 11-08-2017 directed to implement the court order/judgment dated:- 07-10-2015 passed in LPA (SW) No. 358/2206 without further delay.

Now, therefore, in compliance with the judgment dated 07-10-2015 passed by the Division Bench of Hon'ble High Court of J&K in LPA No. 358/2006 titled Shoukat Ahmad Bhat V/s State of Jammu & Kashmir and others together with the instructions received from the Administrative Department vide Communication No.:- ME/Legal/NG/01/2017-R Dated:- 11-08-2017 for implementation of aforesaid judgment, sanction is hereby accorded to the notional promotion of Mr. Shoukat Ahmat Bhat to the post of EEG Technician in the pay scale of Rs. 6500-10500 w.e.f 01-06-1992 to 31-03-2014 (Date of Retirement).

(By Order)


Riyaz Ahmad Wani (KAS),
Administrator,
Associated Hospitals,
Srinagar

No:-AH/Est-I/2022/6683-09

Dated:-05-01-2022

Copy for information and necessary action to the:

1. Additional Chief Secretary, Health & Medical Education Department Srinagar.
2. Medical Superintendent Govt. Psychiatry Hospital Srinagar.
3. Senior Law Officer GMC Srinagar.
4. Private Secretary to Principal/Dean GMC Srinagar.
5. Concerned.
6. I/C I.T Section to upload the same on the official website.