

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

**CPSW No. 67/2017 in  
SWP No. 1526/2015**

Shanker Dass & Ors.

.....Petitioners

Through: Mr. Ajay Bakshi, Advocate

Vs

Sanjeev Verma, Administrative Secretary,  
Irrigation and Flood Control Department, Jammu & Anr.

.....Respondents

Through: Ms. Chetna Manhas, Assisting Counsel  
to Mrs. Monika Kohli, Sr. AAG

**CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**  
**ORDER**  
**(27.02.2026)**

- 01.** Through the medium of the present petition, the petitioners are seeking implementation of directions dated 22.05.2015 passed by the writ Court whereby the respondents were directed to accord consideration to the case of the petitioners in the light of judgments delivered in SWP No. 284/2001 and SWP No. 1397/2011 if petitioners are found similarly situated with the petitioners of the aforesaid two cases and also having regard to the rules applicable at relevant time(s).
- 02.** The respondents have rejected the claim of the petitioners vide consideration order dated 08.05.2019.

- 03.** Vide order dated 01.03.2025, this Court after taking into account the said consideration order directed the respondent No. 1 to file an affidavit as to whether the petitioners are entitled to the benefits in accordance with rules or not and whether the benefits granted to other employees have been withdrawn.
- 04.** Pursuant to the said order dated 01.03.2025, affidavit dated 15.07.2025 has been filed by respondent No. 1 wherein it has been stated that as per Government Order dated 08.05.2019, the upgradations granted to other individuals with whom the petitioners are claiming parity were declared irregular, being in contravention of the rules and due to a lack of approval from the competent authority. It has been further stated that the higher grades/scales given to the petitioners of SWP No. 428/1987 and SWP No. 1397/2011 could not be withdrawn as the said employees have already retired from services and in view of the provisions contained in Article 168-A(II) of J&K CSR Volume-1, the recovery cannot be effected from them.
- 05.** As already indicated in the order passed by the writ Court, the respondents were directed to accord consideration to the claim of the petitioners in the light of the judgment passed in the aforementioned two cases if

the petitioners are found similarly situated with the petitioners of those case. It is provided in the order of the writ Court that regard shall also be had to the rules applicable at the relevant time.

- 06.** While the respondent No. 1 in his affidavit does not deny the similarity between the present petitioners and the petitioners of the aforesaid two writ petitions but he has laid emphasis on the fact that the rules do not permit grant of benefits in favour of employees like the petitioners.
- 07.** The respondents are directed to produce before this Court the relevant rules/guidelines/Government Order on which respondent No. 1 has placed reliance in taking a stand that the petitioners are not entitled to the benefits which have been extended to the petitioners in the aforesaid two writ petitions.
- 08.** Needful shall be done by next date of hearing.
- 09.** List on **24.03.2026**.

**(SANJAY DHAR)  
JUDGE**

**JAMMU  
27.02.2026  
SUNIL**