



Government of Jammu and Kashmir
Health & Medical Education Department
Civil Secretariat, Jammu/Srinagar

Subject: Consideration order in compliance to order dated 07.07.2020 in O.A No. 642/2022 titled Deldan Angmo and others v/s UT of J&K and others.

Government Order No. 1049-JK(HME) of 2023
Dated: 15.12.2023

WHEREAS, the applicants filed an OA No. 642/2022-titled Deldan Angmo & Ors Vs UT of J&K & Ors before the Hon'ble Central Administrative Tribunal, Srinagar Bench and prayed for the following relief:

1. Upgradation of pay-structure, including Pay-Band.
2. Retrospective effect of same.
3. Change of nomenclature of posts, as is envisaged in recommendation of 7th Central Pay Commission.
4. Grant of Hospital Patient Care Allowances (H.P.C.A).
5. Formulation of MACP (Minimum Assured Career Progression) scheme for advancement in services.
6. Removal of stagnation and opening avenues of promotion.
7. Any other order or direction through not prayed be issued in favour of applicant.

WHEREAS, the Hon'ble CAT vide order dated 07/07/2020 disposed of the OA as under:

"...In view of the limited prayer made by the learned counsel for the applicant, the respondents are directed to consider representation made by the applicant dated 02-05-2022 and decide the same as per law within 4 weeks from today by passing a reasoned and speaking order and communicate the same to the applicant. Till the representation is finally decided, the applicant shall not be relieved if not already relieved. With this observation the OA is disposed of It is made clear that no option is expressed on the merit of the case. There will be no order as to costs."

WHEREAS, the case was examined in the Department and, accordingly, vide letter No. ME-leg0NGaz/46/2022-02 dated 01.09.2023 & 03.10.2023, factual report of the case was sought from Principal, Government Medical College, Srinagar; and

WHEREAS, Principal, Government Medical College, Srinagar vide communication dated 06.10.2023 stated that the applicants have been selected through regular recruitment process by SSB from time to time and are working as Paramedical Staff in GMC Srinagar and its Associated Hospitals; and

WHEREAS, the applicants have been appointed on the pay scales which were known to them at the time of selection/appointment; and

WHEREAS, the recruitment rules governing the service of the applicants have taken into consideration the promotional avenues of the applicants and the pay scales on which the applicants have been appointed are prescribed therein. Besides, the applicants have no right to seek any particular pay band which is the domain of the employer; and

WHEREAS, the applicants having agreed to the pay scales prescribed in the rules without any demur cannot now claim to be aggrieved of the same; and

WHEREAS, no service in the Health Department has MACP as on date as all the promotions are made by the DPC from time to time as per eligibility and vacancy; and

WHEREAS, changing the nomenclature would not affect the pay scales of the applicants but add confusion as there are 12 Medical Colleges in UT of J&K and all colleges have the posts having similar nomenclature.

NOW, THEREFORE, the claim of the applicants, having been considered in light of the directions of the Hon'ble Central Administrative Tribunal, Srinagar Bench passed in above titled O.A and as per the existing rules in vogue, is found devoid of any merit and is, accordingly, rejected.

By Order of the Government of Jammu & Kashmir.

Sd/-

(Bhupinder Kumar) IAS

Secretary to the Government
Health & Medical Education Department

No. ME-leg0NGAZ/46/2022-02(CC 7024855)

Dated: 15-12-2023

Copy to the:

1. Principal Secretary to the Hon'ble Lieutenant Governor.
2. Joint Secretary (JK&L), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archaeology and Museums J&K.
4. Principal, Government Medical College, Srinagar. He is requested to hold the DPC meetings at the earliest and consider the claims of all the applicants along-with other eligible employees for further promotion in accordance with rules.
5. PS to Secretary to the Government, Health & Medical Education Department.
6. Concerned.
7. Government Order file/Stock file.

(Waqar Talib) JKAS
Under Secretary to the Government
Health & Medical Education Department