

Government of Jammu and Kashmir  
Skill Development Department  
Civil Secretariat, J&K.

Subject: **OA No. 61/658/2022** Titled **Manmohan Singh Vs UT of J&K and Ors.**

**Government Order: 91- JK(DSD) of 2022**  
**Dated: 25 .11. 2022**

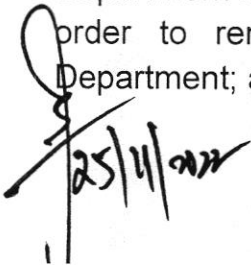
Whereas, Mr. Manmohan Singh Bhatia (applicant) was appointed as Workshop Instructor in the Skill Development Department, in the pay scale of Rs 9300-34800 with grade pay 4200 and is presently working in Govt. Polytechnic Jammu; and

Whereas, the Applicant along-with other Instructors of Polytechnic sector made representation dated: 17-09-2018 to the department for upgrading the pay scale of Polytechnic Workshop Instructors at par with other workshop instructors working in ITI sector and polytechnic sector of the Department; and

Whereas, on the said representation, Director Skill Development was requested by the Administrative Department to communicate as to whether Govt. order No. 11-Edu(Tech) of 2007 dated 02-08-2007 can be implemented in favour of Workshop Instructors of Polytechnic Sector; and

Whereas, the applicant and other Workshop Instructor of Polytechnic Sector of Skill Development Department again approached the Department by virtue of representation dated: 22-10-2020 for redressal of their grievance; and

Whereas, the Director Skill Development Department vide communication dated 26-02-2021, recommended the case of the applicant and other Workshop Instructors of Polytechnic sector to Skill Development Department for upgrading their pay scale of Rs 6500-10500 (pre-revised) in order to remove pay anomaly similarly situated employees of the Department; and

  
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Whereas, in the meanwhile the applicant namely Manmohan Singh Bhatia approached to the Hon'ble Central Administrative Tribunal (CAT), Jammu Bench by virtue of O.A No 61/658/2022 titled Manmohan Singh Bhatia VS UT of Jammu and Kashmir and others. The Hon'ble CAT while disposing of the above titled O.A. vide order dated: 18-07-2022, directed as under:-

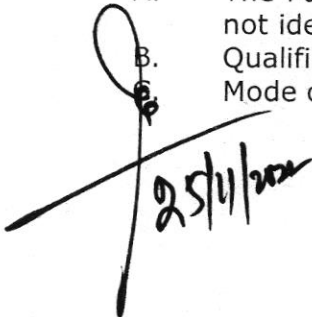
**"Considering the aforesaid submissions of learned counsel for the applicant and material available on record and the letter dated: 26-02-2021, we deem it fit to dispose of the O.A. at the admission stage with direction to Respondent No. 1- Principal Secretary of this Department to take appropriate decision with respect to upgrading the pay scale of Polytechnic Workshop Instructor at par with the other Workshop Instructor working in ITI Sector and Polytechnic Sector of the Development in view of the recommendation of Respondent No. 2- Director Skill Development Department and pass reasoned and speaking order within a period of two months from the date of receipt of this Order." and**

Whereas, the case of the applicant has been examined, in terms of the J&K Technical Education (Subordinate) Recruitment Rules 2002 issued vide SRO 145 dated 10-04-2002 which provides the different criteria for recruitment of both the posts, read as under: -

Name of the post.	Pay scale prescribed in SRO-145 of 2002	Qualification prescribed for filling up post in recruitment rules.	Mode of recruitment
Workshop Instructor (Polytechnic)	5000-8000	Matric with ITI/NTC Certificate and experience of 05 years in reputed workshop. Desirable 03 years Diploma in Mechanical/Electrical/Civil/ Electronics & Communication from recognized Institute	a) 50% by direct recruitment. b) 50% by promotion from Class-V category A, B, C, D & E having passed 10th & NTC in appropriate branch with 10 years of experience
Workshop Instructor (ITI)	6500-10500		By selection from Class-IV category A&B among persons who are matriculation ITI/NTC having passed ATI/CTI course with 05 years' experience in teaching in relevant trade.

From the above table followings things came to fore: -

- A. The Pay Scale to both the posts are different as such the posts are not identical.
  - B. Qualification for both the posts is different.
- Mode of recruitment is different for both the posts; and

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Whereas, the Pay Scale of both the posts are different as such the posts are not identical in nature, qualification and mode of recruitment of both the posts are also different, in term of the J&K Technical Education (Subordinate) Recruitment Rules, 2002; and

Now therefore, the claim of applicant have been examined, considered in pursuance of order dated 18.07.2022, passed by the Hon'ble Central Administrative Tribunal (CAT) in the above titled case and in consonance with the provisions of the J&K Technical Education (Subordinate) Recruitment Rules, 2002 viz-a-viz the recommendations dated: 26.02.2021 made by the Director Skill Development Department and found that the same is not identical in nature with the other similarly situated cases having different qualification and different mode of recruitment and accordingly, is hereby rejected being devoid of any merit.

**By order of the Government of Jammu and Kashmir.**

**Sd/-**

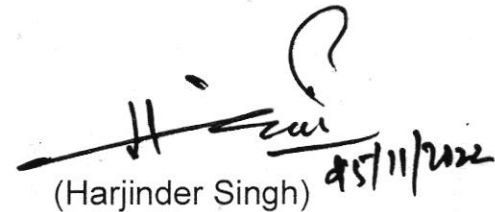
(Dr. Asgar Hassan Samoon), IAS  
**Principal Secretary to the Government**

No. DSD/lgl/126/03/2022-2

Dated: 25.11.2022

Copy to:

1. Secretary to the Government, General Administration Department for information.
2. Director, Skill Development, J&K for information.
3. Mr. Rajesh Thappa, Additional Advocate General, Central Administrative Tribunal (CAT) Jammu Bench for information and necessary action.
4. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
5. Senior Law officer of Skill Development Department.
6. Private Secretary to the Principal Secretary to the Government for information of the Principal Secretary.
7. PA to the Special Secretary to the Government for information
8. I/c Website.
9. Government Order file (w.2.s.c)

  
(Harjinder Singh) 25/11/2022

**Under Secretary to Government**

