

Government of Jammu and Kashmir  
**Youth Services and Sports Department**  
Civil Secretariat, Srinagar (J&K)

**Subject:- OA/61/1623/2021 titled Mohd. Hussain V/S Youth Services & Sports Department.**

**Government Order No: - 31-JK (YSS) of 2023.**

**Dated: - 19-07-2023**

**Whereas**, Mr. Mohd. Hussain Ex. Senior Assistant, Youth Services & Sports Department approached Hon'ble Central Administrative Tribunal for issuance of directions with regard to grant of arrears with respect to the step up of pay from 01.09.2008 to 31.12.2013(monetarily); **and**,

**Whereas**, the issue has been considered by the Hon'ble Central Administrative Tribunal in OA No. 1623/2021 titled Mohd Hussain vs UT of J&K and Ors ; **and**,

**Whereas**, the Hon'ble CAT vide Order dated 27-10-2021 while disposing the instant matter has passed following orders:-

*"Looking to the limited prayer made by the learned counsel for the applicant, the OA is disposed of with the directions to the respondents to treat the OA as representation of the applicant and dispose of the same by passing a reasoned and speaking order within a period of four weeks from the date of receipt of certified copy of this order. while considering the applicants case, the respondents should also examine as to whether his claim being articulated now has become stale or dead due to inordinate delays and laches as per the view taken in SC decision such as chairman, UP Jal Nigam & Anr. V. Jaawant Singh & Anr JT (2006(10) SC 500 ang Govt of West Bengal V/S Tarun K Roy and Ors (2004) 1 SCC 347. However, it is to be noted that I have neither expressed any opinion on merits of the applicants case nor examined the applicability of the case laws relied upon by him."*



**Whereas**, while examining the instant issue in accordance with the directions of the Hon'ble CAT, it has been impressed upon the Department to decide the OA as a representation in accordance with the judgment of the Hon'ble Supreme Court as rendered in the case of chairman, UP Jal Nigam &



Anr. Vs Jaawant Singh & Anr JT(2006(10) SC 500 and Govt of West Bengal Vs Tarun K Roy and Ors (2004) 1 SCC 347; **and,**

**Whereas,** the law laid down in chairman, UP Jal Nigam & Anr. Vs Jaawant Singh & Anr JT(2006(10) SC 500 and Govt of West Bengal Vs Tarun K Roy and Ors (2004) 1 SCC 347 the Hon'ble Court has negated granting any relief to the petitioners who have approached the court at the belated stage and after lapse of considerable time; **and,**

**Whereas,** Rule 298 of GFR bars granting retrospective effect by the competent authority; **and**

**Whereas,** General Administration Department by virtue of Circular Instructions conveyed vide No. 41-JK(GAD) of 2021 dated 06-10-2021 instructed not to entertain claims which are preferred after considerable delay of time.

Now, therefore, in view of the law laid down in the above referred judgment and the Rules governing the subject, the case of the applicant does not merit consideration and is accordingly rejected.

**By Order of Government of Jammu & Kashmir.**

**Sd/=**

**Sarmad Hafeez(IAS)**

Secretary to the Government

Dated:- 19.07.2023

No:YSS-Acct/2/2023-02

Copy to the:-

1. Joint Secretary J&K, Ministry of Home Affairs, Government of India
2. Director, Youth Services and Sports Srinagar/Jammu.
3. Pvt. Secretary to Secretary to the Government, Youth Services & Sports Department.
4. I/C Website.
5. Govt. Order file/Stock file

**(Misbah Arjumand, JKAS)**

Undersecretary to the Government  
Youth Services and Sports Department