

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.62/354/2020

M.A. No.62/208/2020

Thursday, this the 30th day of July, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member
(J)

1. Mohammad Maqbool Bhat, age 51 yrs.
S/o Kh. Ghulam Mohammad Bhat
R/o Quil Muqam Bandipora
2. Aijaz Ahmad Bhat, age 41 yrs.
S/o Mohammad Akram Bhat
R/o Watapora Bandipora.
3. Shafiq Ahmad Mir, age 41 yrs
S/o Nazir Ahmad Mir
Ro Quil Muqam Bandipora
4. Tariq Ahmad Mir, age 41 yrs.
S/o Ghulam Mohammad Mir
R/o Nadhihal Bandipora
5. Aijaz Ahmad Wani, Age 51 yrs.
S/o Mohammad Munawar Wani
R/o Sumlar Bandipora
6. Iftikhar Hussain Khan, age 45 yrs.
S/o Mohammad Sadiq Khan
R/o Mader Bandipora
7. Feroze Ahmad Mir, age 44 yrs.

S/o Abdul Rahim Mir
R/o Dawar Gurez

8. Zamir Ahmad Mir, age 49 yrs.
S/o Mohammad Sarwar Mir
R/o Masta Gurez.
9. Mudasir Mohmood Khan, Age 41 yrs.
S/o Mohmood Ali Khan
R/o Check Reshipora Bandipora
10. Rafiq ud din Khaja, Age 44 yrs
S/o Mohammad Anwar Khaja
R/o Panzigam Bandipora
11. FayazAhmad Rather, Age 50 yrs.
S/o Ghلام Qadir Rather
R/o Garoora Bandipora
12. Gulzar Ahmad Bhat, age 47 yrs.
S/o Kh. Ghلام Mohi ud din Bhat
R/o Watapora Bandipora
13. Altaf Ahmad Shah, age 43 yrs.
S/o Kh. Saif ud din Shah
R/o Ajas Bandipora
14. Jawad Ahmad Fazili, Age 51 yrs.
S/o Bashir Ahmad Fazili
R/o Gamroo Bandipora
15. Shameem Ahmad Lone, Age 44 yrs.
S/o Mohammad Khalil Lone
R/o Shahpora Gurez.
16. Mushtaq Ahmad Wani Age 49 yrs.
S/o Abdul Khaliq Wani
R/o Dardpora Tehsil & District Kupwara.
17. Mushtaq Ahmad Bhat, Age 45 yrs.

- S/o Mohammad Ramzan Bhat
R/o Watapora Bandipora
- 18 Irfan ul Islam Parsa Age 48 yrs.
S/o Gulam Jeelani Parsa
R/o Papchan Bandipora
- 19 Jamil Ahmad Lone, age 43 yrs.
S/o Khushi Mohammad Lone
R/o Mastan Gurez
- 20 Mohammad Shafi Wani, age 46 yrs.
S/o Abdul Rashid Wani
R/o Qazipora Patushay Bandipora
21. Basharat Ali Khan, Age 40 yrs.
S/o Nazir Ahmad Khan
R/o Doniwara Kupwra
- 22 Mohammad Shafi Wani, age 44 yrs
S/o Abdul Qudoos Wani
R/o Darapora Kupwara
23. Showkat Gul Khan Age 43 yrs.
S/o Mohammad Gulzar Khan
R/o Shumnag Trehgam
- 24 Muneer-ul-Islam Bhat Age 47 yrs.
S/o Ghulam Rasool Bhat
R/o Nadihal Bandipora
- 25 Ab. Majeed Bhat, age 42 yrs.
S/o Mohd. Sultan Bhat
R/o Kralpora Bandipora
- 26 Mohammad Saleem Bhat, age 48 yrs.
S/o Khazir Mohammad Bhat
R/o Kharpora Ajar Bandipora
- 27 Fayaz Ahmad Hajam, Age 46 yrs.

S/o Abdul Rehman Hajam
R/o Chandsoma Kanispora Baramulla.

- 28 Farooq Ahmed Sheikh, age 47 yrs.
S/o Sonaullah Sheikh
R/o Wagoora Baramulla.
- 29 Shahzad Ahmad Khuroo, Age 46 yrs.
S/o Gh. Mohd Khuroo
R/o Alsafa Colony Sopore
- Applicants

(By Advocate: Mr. Bhat Fayaz Ahmad

V/S

1. Union Territory of J & K through
Principal/
Secretary to Govt. Power Development
Department, Civil Sectt; Srinagar.
(Email ID: jkpdd9@gmail.com)
2. Chief Engineer Distribution, Kashmir
Srinagar.
(Email ID: cemrekmr@gmail.com.in)
3. Ex. Engineer
Electric Division Bandipora.
(Email ID: e.nedbandipora@gmail.com)
4. Ex. Engineer
Electric Division Sumbal
(Email ID: edsumbalpdd@gmail.com)
5. Ex. Engineer TLMD-III JK(PDCL)
Electric Division Sub Transmission
Division Ganderbal
(Email ID: exengineer12@gmail.com)

6. Ex. Engineer
Electric Division Kupwara
(Email ID: edkupwara@gmail.com)
7. Ex. Engineer TLMD-III)
Electric Division Amargarh Sopore
(Email ID: exntlmd3damagarh@gmail.com)

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate
General)

O R D E R (O R A L)

Dr. Bhagwan Sahai, Member (A):

Mohammad Maqbool Bhat, son of Kh. Ghulam Mohammad Bhat, resident of Quil Muqam Bandipora and 28 other applicants have filed this OA on 22.07.2020, seeking direction to respondents to grant them pre-revised pay scale of Rs.220-430 from the date of their appointment with subsequent pay revisions from time to time and benefit of arrears.

2. We have heard today Mr. Bhat Fayaz Ahmad, for the applicants and Mr. Sudesh Magotra, DAG, on behalf of respondents.

3. MA No.208/2020 has been filed by the applicants, seeking permission to submit this OA jointly. It is allowed.

4. In the OA, the main contention of the applicants is that they have been working as Meter Reader, SBA, Electricians, Line Erectors and on other similar posts under the PDD department of UT of J&K, and are also entitled for grant of the pre revised pay scale of Rs.220-430 from the date of their appointment. The Tribunal has disposed of a number of OAs filed by similarly situated employees of the respondent – Corporation, directing the respondents to consider and decide the representations/cases of the applicants therein, such as OA No.61/138/2020 titled Shashi Pal Singh & Ors., OA No.61/139/2020 (Amrish Kumar), OA No.61/140/2020 (Mohinder Pal Singh & Ors.) and OA No.61/141/2020 (Mansoor Ahmed & Ors. vs. UT of J&K through Principal Secretary to Govt. Power Development Department, Jammu & Kashmir, Civil Secretariat, Jammu). Since the applicants are also

identically placed with the applicants of the above mentioned OAs, in their case also, the respondents should be issued similar directions to consider and decide their cases as well.

5. During arguments, the applicants' counsel submitted that the applicants would be satisfied if this OA is disposed of at this stage with direction to the respondents similar to those in several OAs filed by similarly placed employees of the respondent Corporation. Respondents' counsel has no objection to such disposal of the OA.

6. In view of the above submissions, this OA is disposed of with direction to the respondents to treat a copy of this OA as a representation of the applicants and decide it with a reasoned and speaking order as per provisions in relevant Service and Pay Rules applicable to them along with case laws relied upon by them, if they were for identically placed other employees of the respondents. The respondents should

also examine as to whether their claim has become stale or dead as per the view taken in a number of Supreme Court decisions. This exercise should be completed by the respondents within a period of 60 days from the date of receipt of a copy of this order. However, it is to be noted that we have neither expressed any opinion on merits of the applicants' case nor examined applicability of the case laws relied upon by them. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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