

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.062/439/2020
M.A. No.062/333/2020

Monday, this the 17th day of August, 2020

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

1. **SYED ASHAQ HUSSAIN ANDRABI** Age 49 Years
S/o Syed Mohd Yousuf Andrabi
R/o Ratnipora.
Tehsil, Kakapora District Pulwama.
Mobile No.7006370793
PIN Code 192304
2. **MANZOOR AHMAD WANI** Age 49 Years
S/o Mohd Akbar Wani
R/o Koil Tehsil & District Pulwama.
PIN Code 192301
3. **RIYAZ AHMAD MIR** Age 46 Years
S/o Gh Ahmad Mir
R/o Rajpora Tehsil Rajpora District Pulwama
PIN Code 192306
4. **SHABEER AHMAD MIR** Age 46 Years
S/o Ab Gani Mir
R/o Bellow Tehsil & District Pulwama.
PIN Code 192306
5. **SYED SHABIR AHMAD** Age 55 years
S/o Syed Bashir Ahmad
R/o Ratnipora Tehsil Kakapora
District Pulwama
PIN Code 192304
6. **SANDESH KUMAR BHAT** Age 51 Years
S/o Badri Nath Bhat R/o Murran Tehsil & District
Pulwama.
PIN Code 192301
7. **BASHIR AHMAD WANI** Age 51 Years
S/o Mohd Akram Wani R/o Lajurah Tehsil Kakapora

District Pulwama.
PIN Code 192304

8. **JAVID AHMAD NAJAR** Age 42 Years
S/o Gh Nabi Najar R/o Rajpora Tehsil Rajpora
District Pulwama.
PIN Code 192306
9. **AB RASHID MIR** Age 52 Years
S/o Gh Rasool Mir
R/o Chakoora Tehsil Litter District Pulwama
PIN Code 192304
10. **SYED FAYAZ AHMAD ANDRABI** Age 49
S/o Syed Gh Nabi Andrabi
R/o Ratnipora Tehsil Kakapora District Pulwama.
PIN Code 192304
11. **AB RASHID MIR** Age 52 Years
S/o Wali Mohd Mir R/o Ratnipora Tehsil Kakapora
District Pulwama.
PIN Code 192304
12. **NASEER AHMAD MIR** Age 37 Years
S/o Ali Mohammad Mir
R/o Ratnipora Tehsil Kakapora District Pulwama
PIN Code 192304
13. **IMTIYAZ AHMAD RATHER** Age 43 Years
S/o Gh Qader Rather
R/o Pinglana Tehsil Kakapora District Pulwama
14. **SHAFEE AHMAD BHAT** Age 33 Years
S/o Gh Mohammad Bhat
R/o Pulwama Tehsil & District Pulwama
PIN Code 192304
15. **ABAS GANIE** Age 34 Years
S/o Gh Nabi Ganie
R/o Renzipora Tehsil Awantipora District Pulwama.
PIN Code 192301
16. **GULZAR AHMAD NAIK** Age 49 Years
S/o Ab Razak Naik
R/o Panzgam Tehsil Awantipora District Pulwama.
PIN Code 192122

17. **FAROOQ AHMAD DAR** Age 48 Years
S/o Gh Mohd Dar
R/o Panzgam Tehsil Awantipora District Pulwama.
PIN Code 192122
18. **GURMEET SINGH** Age 55 Years
S/o S Thaker Singh
R/o Chandrigam Tehsil Tral Didtrict Pulwama
PIN Code 192123
19. **SURJEET SINGH** Age 50 Years
S/o Omkar Singh
R/o Gulshan pora Tehsil Tral District Pulwama.
PIN Code 192123
20. **MANZOOR AHMAD SHEIKH** Age 45 Years
S/o Abdul Rahim Sheikh
R/o Batmaloo Tehsil & District Srinagar
PIN Code 190009
21. **TANVEER AHMAD MIR** Age 32 Years
S/o Mohd Ashraf Mir
R/o Barthipora Tehsil Keelar District Shopian
PIN Code 192304.
22. **MANZOOR AHMAD MIR** Age 37 Years
S/o Mohammad Ramzan Mir
R/o Rajpora Tehsil Rajpora District Pulwama.
PIN Code 192303
23. **MOHD SHAFI NAIKOO** Age 52 Years
S/o Ab Razak Naikoo
R/o Urbagh Tehsil Kakapora District Pulwama.
PIN Code 192306
24. **FEROZ AHMAD LONE** Age 32 Years
S/o Gh Hassan Lone
R/o Nehama Tehsil Kakapora District Pulwama.
PIN Code 192304
25. **GH AHMAD MALIK** Age 47 Years
S/o Assadullah Malik
R/o Wasooru Tehsil Litter District Pulwama.
PIN Code 192305
26. **LATIEEF AHMAD AHANGER** Age 33 Years
S/o Ab Rashid Ahanger

R/o Mirgund Thoker pora Tehsil Rajpora District Pulwama
PIN Code 192306

27. **MUZAFFER AHMAD LONE** Age 40 Years
S/o Ab Aziz Lone
R/o Nehama Tehsil Kakapora District Pulwama.
PIN Code 192304
28. **ZAHOOOR AHMAD RESHI** Age 50 Years
S/o Mohd Sultan Reshi
R/o Syed Qazizada (BB Shah) Tehsil & District Srinagar.
PIN Code 190001
29. **SYED KAFEEL AHMAD SHAH** Age 46 Years
S/o Gh Mohammad Shah
R/o Tukroo (Babanar) Tehsil Keegam District Shopian
PIN Code 192302
30. **AB KARIM BHAT** Age 41 Years
S/o Ab Gani Bhat
R/o Sirnoo Tehsil & District Pulwama.
PIN Code 192301
31. **MASRAT JAN** Age 46 Years
S/o Ghulam Nabi Shiek
R/o Niara Tehsil & District Pulwama..
PIN Code 192301
32. **GH HASSAN DAR** Age 49 Years
S/o Gh Mehdi Dar
R/o Gangoo Tehsil & District Pulwama.
PIN Code 192301
33. **BASHIR AHMAD QAZI** Age 48 years
S/o Ab Gani Qazi
R/o Monghama Tehsil & District Pulwama.
PIN Code 192301
34. **MIR SHABIR HUSSAIN** Age 49 Years
S/o Ab Ahad Mir
R/o Inder Tehsil & District Pulwama.
PIN Code 192301
35. **RAMESH KUMAR RAINA** Age 50 Years
S/o Omkar Nath Raina.

R/o Pulwama Tehsil & District Pulwama.
PIN Code 192301

36. **SANJAY KUMAR RAINA** Age 53 Years
S/o Kaniya Lal Raina
R/o Bata pora Kanihama Tehsil Beerwa District Budgam
PIN Code 193411
37. **GH HASSAN WANI** Age 50 years
S/o Ab Gaffer Wani.
R/o Chakoora Tehsil Litter District Pulwama.
PIN Code 192305
38. **MUKHTAR AHMAD TANTRAY** Age 50 Years
S/o Gull Mohd Tantray
R/o Salia Panchalpora Tehsil & District Anantnag.
PIN Code 192129
39. **HARPAL SINGH** Age 50 years
S/o Rughbir Singh
R/o Fathpora Baramulla Tehsil & District Baramulla.
PIN Code 193103
40. **FAYAZ AHMAD BHAT** Age 47
S/o Gh Mohd Bhat
R/o Nazbal Arigam Budgam Tehsil & District Budgam.
PIN Code 191111
41. **SYED ZAMIR-UL-MASAUD** Age 48 Years
S/o Syed Ab Rashid
R/o Karimabad Tehsil & District Pulwama.
PIN Code 192301
42. **SUNIL DHAR** Age 56 Years
S/o Late Triloki Nath Dhar
R/o Zewan Panth-Chowk,
Tehsil Pampore District Pulwama
PIN Code 192301
43. **MUMTAZ AHMAD ANDRABI** Age 52 Years.
S/o Gh Hadir Andrabi
R/o Ratnipora Tehsil Kakapora District Pulwama.
PIN Code 192304
44. **MAHJABEENA ANDRABI** Age 50 Years
D/o Syed Nazir Ahmad Andrabi

R/o Ratnipora Tehsil Kakapora District Pulwama
PIN Code 192304

APPLICANTS

(By Advocate: Mr. Anil Khajuria)

Versus

- 1. THE UNION TERRITORY OF JAMMU AND KASHMIR,**
Through its Principal Secretary to Government,
Power Development Department,
Civil Secretariat, Jammu
- 2. THE CHIEF ENGINEER,**
Electric Maintenance & Rural Electrification Wing,
(KPDCL), Srinagar (Kashmir).
- 3. THE CHIEF ENGINEER,**
System and Operation Wing,
(KPTCL), Srinagar (Kashmir)
- 4. THE CHIEF ENGINEER,**
Distribution (KPDCL) Jahangir Chock,
Srinagar, Kashmir.
- 5. THE CHIEF ENGINEER,**
Transmission (KPTCL) Power Complex,
Bemina, Srinagar, Kashmir.
- 6. THE MANAGING DIRECTOR**
Jammu and Kashmir Power Transmission
Corporation Ltd. (J&K PTCL) Jammu/Srinagar
(Janipur Power House Jammu)
Lottery Building Behind, Civil Secretariat,
Srinagar
- 7. THE MANAGING DIRECTOR**
Kashmir Power Distribution Corporation Ltd.
(KPDCL), Jahangir Chock, Srinagar
- 8. THE CHIEF EXECUTIVE OFFICER (IT),**
Audit & Vigilance Division PDD Bemina
Srinagar, Kashmir
- 9. THE EXECUTIVE ENGINEER,**
Division (System Operations),
Kashmir Power Complex, Bemina Srinagar.
- 10. THE EXECUTIVE ENGINEER,**
TLMD -VIII Bemina Srinagar.

. 11 THE EXECUTIVE ENGINEER,
TLMD -II Pampore.

12. THE EXECUTIVE ENGINEER,
Electric Division, Pulwama.

13. THE EXECUTIVE ENGINEER,
Electric Division, Awantipora.

14. THE EXECUTIVE ENGINEER,
Electric Division, Shopian.

15. THE EXECUTIVE ENGINEER,
Sub Transmission Division Pulwama.

16. THE EXECUTIVE ENGINEER,
Sub Transmission Division - Ist Bemina.

17. THE EXECUTIVE ENGINEER,
Gas Turbine Division, Pampore - Respondents
(By Advocate: Mr. Sudesh Magotra)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Bashir Ahmad Ganai, son of Sh. AB Rashid Ganai, resident of Seer Jagir Sopore, Tehsil Sopore, District Baramulla and 46 other applicants have filed this OA on 08.08.2020. They seek direction to the respondents to consider their case for grant of pre-revised pay scale of Rs.220-430 from the date of their initial placement as Technician-III on appointment/promotion as Line Erectors, SBA, Electricians, Telephone Operators, Fitters, Mechanics and Turbine Operators, with all subsequent pay revisions from time to time, in light of J&K High Court order dated 29.07.2013 in LPA No. 58/2013 **(State of J&K vs.**

Joginder Singh & Ors.) which has attained finality with the Apex Court decision dated 10.01.2018 in SLPs No. 23074-75/2014 (**State of J&K & Ors. Vs. Javeed Ahmed Khan & Ors.** with clubbed matters) challenging the High Court orders.

2. MA No.62/333/2020 filed by the applicants for submitting this OA jointly is allowed.

3. In the OA, the main submissions of the applicants are that –

(i) they were appointed as Technician – III in PDD Department in different divisions/sub divisions of Jammu district and designated as Line Erectors, SB Attendants, Electricians, Telephone Operators, Fitters, etc. and that their service is governed by Jammu and Kashmir Power Development (Subordinate) Service Recruitment Rules, 1981;

(ii) the controversy involved in the present case has been settled by the Jammu & Kashmir High Court order dated 29.07.2013 in LPA No.58/2013 and Apex Court order dated 10.01.2018 dismissing SLPs No. 23074-75/2014;

(iii) in view of the above High Court order, the respondents have subsequently granted the pre-revised pay scale of Rs.220-430 to the petitioners therein;

(iv) they are also similarly situated with the petitioners in the above High Court order, hence are also entitled for grant of pre-revised pay scale of Rs.220-430 from the date of their initial appointment as the posts on which they joined service are equivalent to those which carry pay scale of Rs.220-430 (Pre-

revised) under Schedule I of J&K PDD Subordinate Service Recruitment Rules 1981;

(v) since the respondents have granted the pre-revised pay scale of Rs.220-430 to similarly placed other employees of the respondent corporation, they have submitted representations dated 25.05.2020, 20.06.2018 and also served a legal notice dated 13.09.2019 upon the respondents but even then their grievance has not been redressed; and

(vi) in other OAs, such as OA No. 61/83/2020 (Brij Raj Singh Vs. UT of J&K & Ors.), OA No. 61/147/2020 (Garu Ram & Ors. Vs. UT of J&K & Ors.) filed by similarly placed other employees of the respondent corporation, this Tribunal has directed the respondents to consider and decide the cases of the applicants therein. Therefore, the applicants herein also seek similar direction to the respondents to consider their case. Respondents' counsel has no objection to such disposal of the OA.

4. In view of the above submissions, and the fact that several OAs filed by other similarly situated employees of the respondent corporation have been disposed of by this Tribunal, directing the respondents to consider the cases of the applicants therein, this OA is also disposed of at admission stage itself, with direction to the respondents to consider the representations of the applicants dated 25.05.2020, 20.06.2018 along with the legal notice dated 13.09.2019 and a copy of this OA as part of their representation and decide it with a reasoned and speaking order as per provisions in relevant Service and Pay Rules applicable to them and in view of the case law relied upon by them, if it was for

identically placed other employees of the respondents and by examining as to whether the applicants' claim being articulated now has become stale or dead due to inordinate delay and laches as per the view taken in Supreme Court decisions such as **Chairman, UP Jal Nigam & Anr. V. Jaswant Singh & Anr.**, JT 2006(10) SC 500 and **Govt. of West Bengal vs. Tarun K. Roy & Ors.** (2004)1 SCC 347. The decision should then be communicated to the applicants.

5. 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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