

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.062/441/2020
M.A. No.062/335/2020

Monday, this the 17th day of August, 2020

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

1. **MANZOOR AHMAD WAR** Age 49
S/o Wali Mohd War
R/o Khowaja Bagh, Tehsil Baramulla,
District Baramulla
Mobile No. 8899093480
PIN Code 193201
2. **ABDUL KHALIQ BHAT** Age 59
S/o; Gh.Rasool Bhat
R/o Bandipora, Tehsil & District
Bandipora.
PIN Code 193502
3. **FAROOQ AHMAD PALLA** Age 48 years
S/o; Abdul Rahim Palla
R/o Old Town Baramulla, Tehsil & District
Baramulla.
PIN Code 193101
4. **MOHD ALTAF AHANGER** Age 49 years
S/o; Gh.Qadir Ahanger
R/o; Khowaja Bagh, Tehsil & District
Baramulla
PIN Code 193201
5. **MOHD ASHRAF AHANGER** Age 48 years
S/o Sh. Gh.Rasool Ahanger
R/o; Botaing Sopore, Tehsil Sopore District
Baramulla.
PIN Code 193201
6. **MANJEET SINGH** Age 48 years
S/o Jaswant Singh
R/o Sangri Baramulla, Tehsil & District
Baramulla
PIN Code 193201
7. **CHANPAL SINGH** Age 49
S/o; Surinder Singh

R/o; Daradpora Kriree , Tehsil Wagoora,
District Baramulla.
PIN Code 193198

8. **MANZOOR AHMAD GASHROO** Age 49 years
S/o; Ali Mohammad Gashroo
R/o Sopore, Tehsil Sopore, Distt. Baramulla.
PIN Code 193201
9. **SATPAL SINGH** Age 54 years
S/o; Prithipal Singh
R/o; MandinaRafiabad ,Tehsil Dangiwacha
Distt. Baramulla
PIN Code 193303
10. **IRFAN AHMAD GANIE** Age 33 years
S/o; Abdul Rashid Ganie
R/o; Tapper Pattan, Tehsil Patan, Distt.
Baramulla
PIN Code 193121
11. **TARIQ HUSSAIN** Age 43 years
S/o; Ali Mohammad Peerzada
R/o; Peerniya Tehsil Boniyar Distt.
Baramulla
PIN Code 193122
12. **TARIQ HUSSAIN BAIG** Age 50 Years
S/o; Sunnawullah Baig
R/o; Sultanpora Kandi Tehsil Wagoora,
Distt. Baramulla
PIN Code 193198
13. **RANBIR SINGH** Age 49 Years
S/o Balwant Singh
R/o Dewan Bagh, Tehsil & District Baramulla
PIN Code 193101
14. **MOHD ASHRAF MARAZI** Age 49 Years
S/o; Late Gulla Ahmad
R/o; Model Town, Tehsil Sopore, Distt. Baramulla
PIN Code 193201
15. **KHURSHEED AHMAD MARAZI** Age 48 Years
S/o; Abdul Samad
R/o; Model Town, Tehsil Sopore, Distt. Baramulla
PIN Code 193201
16. **AMERJEET SINGH** Age 49 Years
S/o; Harbajan Singh
R/o; Lagama, Tehsil Uri, District Baramulla
PIN Code 193123
17. **PARVAIZ AHMAD KHUROO** Age 48 Years

S/o; Gh.Ahmad
R/o; Doabgah, Tehsil Sopore, District Baramulla
PIN Code 193201

18. **BALJEET SINGH** Age 53 Years
S/o; Karnail Singh
R/o; Dedarpura, Tehsil Handwara, Distt. Kupwara
PIN Code 193221
19. **ABDUL HAMID MIR** Age 43 Years
S/o; Bashir Ahmad Mir
R/o; Boniyar, Tehsil Boniyar Distt. Baramulla
PIN Code 193122
20. **LATIEF AHMAD MASOODI** Age 44 Years
S/o; Abdul Rashid Masoodi
R/o; Peerniya, Tehsil Boniyar, Baramulla
PIN Code 193122
21. **MOHD AMIN LONE** Age 44 Years
S/o; Gh.Rasool Lone
R/o; Jalsheeri, Tehsil & District Baramulla
PIN Code 193101
22. **NABINDER KUMAR** Age 48 Years
S/o; Arjan Nath
R/o; Bandi Brahmna Tehsil Uri, District Baramulla
PIN Code 193123
23. **MOHD IQBAL KHAN** Age 52 Years
S/o; Mohd Maqbool Khan
R/o; Mohura, Tehsil Boniyar, Distt. Baramulla
PIN Code 193123
24. **MAQSOOD AHMAD** Age 54 Years
S/o; Bashir Ahmad
R/o; Dawaran, Tehsil Uri District Baramulla
PIN Code 193123
25. **ABDUL MAJEED MALIK** Age 48 Years
S/o; Gh.Mohammad Malik
R/o; shairan Sopore, Tehsil Sopore, Baramulla
PIN Code 193201.
26. **SAJAD AHMAD PANDIT** Age 42 Years
S/o; Ali Mohammad Pandit
R/o; Hamray, Tehsil Pattan, Distt. Baramulla
PIN Code 193121
27. **MUZAFER AHMAD SABOON** Age 50 Years
S/o; Noor Din Saboon
R/o; Sopore, Tehsil Sopore, Distt. Baramulla
PIN Code 193201

28. **GURDEEP SINGH** Age 52 Years
S/o; Saran Singh
R/o; Khadniyar, Tehsil & District Baramulla
PIN Code 193101
29. **ABDUL RASHID** Age 43 Years
S/o; Gh.Mohammad Hajam
R/o; Bijnama Tehsil Boniyar, Distt. Baramulla
PIN Code 193122
30. **ABDUL AZIZ SHEIKH** Age 42 Years
S/o; Mohd Amin Sheikh
R/o; Gingal, Tehsil Uri, Distt. Baramulla
PIN Code 193123
31. **PARVAIZ AHMAD BALOT** Age 42 Years
S/o; Statar Mohd Balot
R/o; Nowpora Salamabad, Tehsil Uri, Baramulla
PIN Code 193123
32. **MURSALEEN QAMAR** Age 40 Years
S/o; Qamar Din
R/o; Garkote, Tehsil Uri, District Baramulla
PIN Code 193123
33. **GURBINDER SINGH** Age 44 Years
S/o; Gurbakash Singh
R/o; Nowpora Salamabad, Tehsil Uri, Baramulla
PIN Code 193123.
34. **JAGJEET SINGH RAINA** Age 49 Years
S/o; Balwant Singh
R/o; Kanlibagh, Tehsil & District Baramulla
PIN Code 193201
35. **JAVID AHMAD TANTARY** Age 38 years
S/o; Abdul Ahad Tantary
R/o; Phalhalan, Tehsil Pattan, Distt. Baramulla
PIN Code 193121

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 SUPERINTENDING ENGINEER,**
O&M North Circle, Sopore.
10. **THE EXECUTIVE ENGINEER,**
(KPDCL) Electric Division, Sopore.
11. **THE EXECUTIVE ENGINEER,**
(KPDCL), Electric Division, Baramulla
12. **THE EXECUTIVE ENGINEER,**
(KPDCL), Sub Transmission Division, Sopore.
13. **THE EXECUTIVE ENGINEER,**
IT Cell Bemina, Srinagar - Respondents

(By Advocate: Mr. Amit Gupta)

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.62/335/2020 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 (Guru 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, 206.06.2018 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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