

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.062/447/2020
M.A. No.062/339/2020

Monday, this the 17th day of August, 2020

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

1. Tariq Ahmad Dindroo Age 50 years
S/o Gh. Mohammad Dindroo R/o
Shah Kadal Safakadal Srinagar
2. Fayaz Ahmad Lone Age 50 years S/o
Gh. Mohammad Lone R/o Baghi
Sundarbala Chattabal Srinagar
3. Showket Ahmad Reshi Age 46 years
S/o Mohammad Ayaz Reshi R/o
Rambagh Srinagar
4. Mansoor Mustafa Age 55 years S/o
Gh. Mohammad R/o Batamallo
Srinagar
5. Ali Mohammad Rather Age 51 years
S/o Gh. Rasool Rather R/o Dara
Srinagar
6. Farooq Ahmad Wagay Age 48 years
S/o Gh. Mohammad Wagay R/o
Rajpora Pulwama
7. Shabir Ahamad Rather Age 49 years
S/o Gh. Hassan Rather R/o Saidi
Pora Shopian
8. Hilal Ahmad Age 50 years
S/o Gh. Mohammad R/o
Qammerwari (Beemina)
9. Mohammad Altaf Reshi Age 46 years
S/o Mohammad Ayaz Reshi R/o
Rambagh Srinagar
10. Gowhar Hussain Age 38 years S/o
Medhi Hussain R/o Buchwara
Dalgate Srinagar

- Applicants

(By Advocate: Mr. Ashwani Sharma)

Versus

1. UT of Jammu & Kashmir
Through Principal
Secretary to
Government, Power
Development
Department,
Jammu & Kashmir, Civil Secretariat,
Jammu / Srinagar
2. The Managing Director KPDCL, Kashmir
3. The Chief Engineer KPDCL, Srinagar
4. The Chief Engineer JKPCCL, Srinagar
5. The Chief Engineer S&O, Beemina,
Srinagar
6. Executive Engineer, STD-I, Beemina
Srinagar
7. Executive Engineer, STD-II, Rajbagh
Srinagar
8. Executive Engineer, Trading Division-III,
JKPCCL, Sriangar
9. Executive Engineer, ED-III, Sriangar
10. Executive Engineer, STD, Shopian
11. Executive Engineer, ED, Shopian
12. Executive Engineer, TLMD-VII, Srinagar
13. Executive Engineer, ED-IV, Khanyar,
Srinagar

...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.62/339/2020 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, 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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