

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.62/458/2020

M.A. No.62/357/2020

Tuesday, this the 18th day of August, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Dr. Bhagwan Sahai, Member (A)

1. Mohmad Rafiq Dar Age 35 years S/o
Ab Rehman Dar R/o Panzan Chadoora
DistL: Budgam
2. Pervaiz Ahmad Dar Age 37 years S/o Ab
Rehman Dar R/o Chadoora Budgam
3. Ashaq Ahmad Wani Age 45 years S/o
Assadullah Wani R/o Chadoora Budgam
4. Farooq Ahmad Bhat Age 43 years S/o
Mohammad Sadiq Bhat R/o Kanir Chadoora
Budgam
5. Ab Rashid Sofi Age 40 years S/o Gh Mohd
Sofi R/o Gundi Arjan Budgam
6. Tariq Ahmad Wani Age 43 years S/o
Mohammad Sultan Wani R/o Sogam
Chadoora Budgam
7. Farooq Ahmad Dar Age 43 years S/o Ab
Ahad Dar R/o Zoohama Chadoora Budgam
8. Mohmmad Imran Bhat Age 32 years S/o Gh
Mohi ud din Bhat R/o Wangipora BK Pora
Chadoora Budgam
9. Riyaz Ahmad Wangnoo Age 36 years S/o Ab
Rahim Wangnoo R/o Budibagh Choon
Budgam
10. Fayaz Ahmad Mir Age 40 years S/o Gh.
Mohi ud din Mir R/o Nambalhar Budgam
11. Mohammad Yaseen Bhat Age 35 years S/o
Mohd Sadiq Bhat R/o Hafroo Batpora

- Chadoora
12. Ab Majid Bhat Age 41 years S/o Ab Samad Bhat R/o Nambalhar Khansahid Budgam
 13. Mohmad Hanief Yattoo Age 38 years S/o G. Mohmad Yattoo R/o Chadoora Budgam
 14. Shahnaz Ahmad Bhat Age 36 years S/o Gh Mohammad Bhat R/o Hafroo Batpora Chadoora
 15. Parvaiz Ah. Bhat Age 35 years S/o Ab Karim Bhat R/o Hafroo Batpora Chadoora
 16. Maqsood Ahmad Khanday Age 28 years S/o Ab. Rashid Khanday R/o Watred Dalbal Khansahib Budgam
 17. Mohd Maqbool Rather Age 43 years S/o Mohd Sultan Rather R/o Wagam Chadoora Budgam
 18. Muzafer Rehman Age 42 years S/o Ab Rehman Rather R/o Wagam Chadoora Budgam
 19. Javid Ahmad Dar Age 44 years S/o Nabir Dar R/o Hushroo Chadoora Budgam
 20. Sonu Age 42 years S/o Rattan Lal R/o Mari Distt. Reasi Jammu
 21. Rouf Ahmad Bhat Age 38 years S/o Ab Aziz Bhat R/o Yarigund Kavooosa Budgam
 22. Shabir Ahmad Parray Age 39 years S/o Mohd Abdullah Parray R/o Badran Magam Budgam
 23. Ishfaq Farooq Bhat Age 28 years S/o Farooq Ahmad Bhat R/o Yarigund Kavooosa Budgam
 24. Shahnaz Ahmad Wani Age 31 years S/o Gh Nabi Wani R/o Peth Makhama Magam Budgam
 25. Sheikh Imtiyaz Ahmad Age 42 years S/o Habib Ullah Sheikh R/o Bagh I Buchroo Chadoora Budgam

- 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. Executive Engineer, ED, Budgam
5. Executive Engineer, STD-II, Rajbagh Srinagar
- Respondents

(By Advocate: Mr. Raghu Mehta)

O R D E R (ORAL)**Dr. Bhagwan Sahai, Member (A):**

Mohmad Rafiq Dar, son of Sh. Ab Rehman Dar, resident of Panzan Chadoora, District Budgam and 24 other applicants have filed this OA on 10.08.2020. 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, Electricians, Telephone Operators, Switch Board Attendance (SBA) and Fitters, 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.62/357/2020 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, Electricians, Telephone Operators, Switch Board Attendance (SBA), 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 a representation dated 01.07.2020 to the respondents but even then their grievance has not been redressed; and

(vi) in other OAs, such as OA No. 061/00181/2020 (Shahnawaz Butt & 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 representation of the applicants dated 01.07.2020 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.

(Dr. Bhagwan Sahai)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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