

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH JAMMU**

Dated: This 31st day of August, 2020

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

O.A. No. 062/00629/2020

1. Nazir Ahmad Bhat, age 57 years, S/o Khazir Mohammad Bhat R/o Safapora, Sumbal Bandipora, Kashmir.
2. Ali Mohammad Sheikh, Age 59 years, S/o Gh. Mohammad Sheikh R/o Gund Jahangir, Sonawari Sumbal, Bandipora, Kashmir
3. Abdul Samad Lone, Age 49 years, S/o Lala Lone, R/o Garooria Bandipora, Kashmir
4. Abdul Majeed Khan, Age 43 years, S/o Abdul Rashid Khan R/o Bandipora, Kashmir
5. Ghulam Hassan Mir, Age 51 years, S/o Rehmatullah Mir, R/o Ward No. 4, Bandipora, Kashmir

..APPLICANTS

By Advocate: Mr. Parvaiz Nazir

V/S

1. Union Territory of J&K through Commissioner/Secretary to Govt. Power Development, Civil Secretariat, Jammu/Srinagar.
2. Development Commissioner (Power), Power Development Department, J&K Jammu/Srinagar
3. Chief Engineer, EM & RE Wing Kashmir, Srinagar
4. Chief Engineer, Power Distribution Corporation Ltd. Srinagar

.....Respondents

By Advocate: Shri Sudesh Magotra, DAG

ORDER

Rakesh Sagar Jain, Member (J)

1. M.A. No.062/816/2020

M.A. seeking joining together of the applicants in a single petition is allowed.

2. O.A. No.062/816/2020

1. Mr. Nazir Ahmad Bhat S/o Mr. Khazir Mohammad Bhat and four other applicants have jointly filed this O.A. under Section 19 of Administrative Tribunals Act, 1985, seeking direction to the respondents to release the benefits in light of the revised grade pay in favour of the applicants and dispose of the OA in light of the order dated 26.02.2020 passed by Hon'ble High Court of J&K

2. We have perused the contents of the O.A. and heard today, Mr. Parvaiz Nazir applicants' counsel and Mr. Amit Gupta, AAG for respondents.

3. The applicants in this O.A. contend that applicant No. 1 was engaged as Line Erector and applicants No. 2-5 have been engaged as Helpers to the Meter Readers and subsequently confirmed as Meter Readers and are performing

their duties as Meter Readers in the pay scale of Rs. 2610-3540 which was subsequently revised and the actual revised grade pay of the applicants have not been released by the department. Learned counsel for the applicants submitted that similarly situated applicants have filed WP(C) No. 440/2020 and vide order dated 26.02.2020, the Hon'ble High Court accorded the benefit to similarly situated petitioners.

4. The applicants' counsel submits that the applicants would be satisfied if the present O.A. is disposed of at this stage, with direction to the respondents to consider their case in the light of judgement date 26.02.2020. Learned AAG seeks adjournment to file counter affidavit.

5. However, the O.A. is disposed of at the admission stage itself, with direction to the respondents to decide the applicants' claim within four weeks from the date of receipt of a copy of this order, by passing a well-reasoned and speaking order as per provisions of relevant Rules and the case law relied upon. While taking a decision, the respondents shall also consider the question of delay viz-a-viz stale and dead

4- O.A. No. 062/629/2020

claim as per of law laid down by the Hon'ble Supreme Court of India in a number of cases. No costs.

(Rakesh Sagar Jain)
Member (J)

ND*