

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.62/462/2020

M.A. No.62/374/2020

Tuesday, this the 18th day of August, 2020

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

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

1. Ab. Ahad Khan Age 46 years S/o Gh. Rasool Khan R/o Jaggarpora Handwara.
2. Gh. Rasool Lone Age 49 years S/o Ab. Jabbar Lone R/o Wahipora Langate, Handwara
3. Mohd. Tariq Malik Age 42 years S/o Ab. Majeed Malik R/o Wajhama Handwara (Langate)
4. Mohd. Akbar Sheikh Age 53 years S/o Gh. Mohd. Sheikh R/o Magam – Handwara
5. Nizam-udin-Gojer Age 45 years S/o Fakir Mod. Gojer R/o Nagranar Handwara
6. Satnam Singh Age 44 years S/o Dilgeet Singh R/o Chogal Handwara
7. Ravinder Singh Age 52 years S/o Dader Singh R/o Deedarpora Langate
8. Khursheed Ah Shah Age 52 years S/o Mohd. Abdullah Shah R/o Udipora Langate
9. Parvaiz Hussain Dar Age 47 years S/o Gh. Mohd. Dar R/o Tulwari Langate
10. Bashir Ah Bhat Age 55 years S/o Gh. Rasool Bhat R/o Supernagnama Langate
11. Sollunder Singh Age 46 years S/o Omkar Singh R/o Deedarpora Langate
12. Farooq Ah. Payar Age 48 years S/o Khazir Mohd. Payar R/o Gagloosa

- Trehgam Kupwara
13. Bashir Ah. Malik Age 51 years S/o
Mohd. Sadeeq Malik R/o Hayen
Trehgam Kupwara
 14. Attuallah Bhat Age 43 years S/o Mohd.
Ramzan Bhat R/o Ujroo Langate,
Handwara
 15. Gh. Mohi-u-Din Lone Age 48 years S/o
Ab. Gani Lone R/o Walrama Langate,
Handwara
 16. Nazir Ah. Tantray Age 51 years S/o
Mohd. Sultan Tantrey R/o Yaroo
Langate Handwara
 17. Ab. Rashid Sheikh Age 62 years S/o
Gh. Ahmad Sheikh R/o Halmutpora
Kupwara
 18. Mohd. Gulzar Mir Age 62 years S/o
Sarwar Mir R/o Shumnag Trehgam
Kupwara
 19. Ab. Majeed Bhat Age 46 years S/o
Mohd. Moqbool Bhat R/o Badibara
Lolab Kupwara
 20. Bashir Ah. Malik Age 47 years S/o
Mukthar Malik R/o Sulkot Kupwara
 21. Manzoor Ah. Baigh Age 56 years S/o
Mohd. Samandar R/o Maindanpora
Tehsil & District Kupwara
 22. Parvaiz Ah. Sheikh Age 42 years S/o
Gh. Nabi Sheikh R/o Surigam Kupwara
 23. Farooq Ah. Kumar Age 41 years S/o
Mohd. Shaban Kumar R/o Kandi Khass
Handwara
 24. Mohd. Ashraf Payar Age 47 years S/o
Khawaja Lal Payar R/o Sulkot Kupwara
 25. Bashir Ah Sheikh Age 48 years S/o
Mohd. Jamal Sheikh R/o Regipora
Kupwara
 26. Gh. Mohd. Peer Age 49 years S/o Gh.
Rasool Pir R/o Tarthpora Ramhall
Kupwara
 27. Mohd. Sultan Bhat Age 57 years S/o
Gh. Mohd. Bhat R/o Gashi Kupwara
 28. Nazir Ah. Deedad Age 48 years S/o Ab.

- Rehman Deedad R/o Kalaroosa
Kupwara
29. Gh. Mohd. Bhat Age 50 years S/o
Mohd. Abdullah Bhat R/o Maindanpora
Lolab Kupwara
 30. Gh. Mohi-u-Din Sheikh Age 48 years
S/o Gh. Mohd. Sheikh R/o Regipora
Kupwara
 31. Gh. Mohi-u-Din Wani Age 44 years S/o
Late Khazir Mohd. Wani R/o Darapora
Lolab Kupwara
 32. Mohd. Rafi Mir Age 51 years S/o
Sarwar Mir R/o Dildar Block Tangdar,
Kupwara
 33. Mumtaz Ah. Mir Age 50 years S/o
Mohd. Hussain Mir R/o Khawarpora
Tangdar Kupwara
 34. Ashiq Ahmad Dar Age 42 years S/o Ab.
Rehman Dar R/o Palpora Pattan
 35. Nazir Ahmad Bhat Age 50 years S/o Ali
Mohd. Bhat R/o Tappar Payeen, Pattan.
 36. Ab. Qayoom Lone Age 40 years S/o
Mohd. Abdullah Lone R/o Thindima
Kriee
 37. Ab. Rashid Sheikh Age 45 years S/o
Gh. Qadir Sheikh R/o Nowpora Jageer
Baramulla.
 38. Nisar Ahmad Lone Age 45 years S/o Ab.
Ahad Lone R/o Sherabad Pattan
 39. Parvez Ahmad Hajam Age 45 years S/o
Gh. Mohd. Hajam R/o Khojabagh,
Baramullah
 40. Gh. Jeelani Peer Age 43 years S/o Gh.
Mohidin Peer R/o Poshwani Pattan
 41. Shafeeq Ahmed Tantry Age 50 years
S/o Gh. Qadir Tantry R/o Palhallen,
Pattan
 42. Peer Bahar Ahmad Age 52 years S/o Peer
Ahmad Shofi R/o Pattan
 43. Mushtaq Ahmad Rather Age 52 years
S/o Gh. Ahmad Rather R/o Palhallen,
Pattan
 44. Ab. Latief Qadiree Age 54 years S/o

- Bashir Ahmed Qadiree R/o Buran,
Pattan
45. Bashir Ahmed Bhat Age 52 years S/o
Khaja Dilawar Bhat R/o Buran,
Pattan
 46. Ishtiyag Ahmad Wani Age 54 years S/o Gh.
Ahmad Wani R/o Pattan
 47. Anzar Altamash Lone Age 46 years S/o
Gh. Ahmad Lone R/o Syed Kareem
Baramullah. - Applicants

(By Advocate: Mr. Ashwani Sharma)

1. The State 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, Electric Division,
Handwara
5. Executive Engineer, Electric Division,
Kupwara
6. Executive Engineer, STD, Sopore.
7. Executive Engineer, Electric Division,
Sopore
8. Executive Engineer, Electric Division,
Baramullah
9. Asstt. Executive Engineer, Special Sub-
Division, Tangmarg, Baramulla

- Respondents

(By Advocate: Mr. Rajesh Thapa)

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

Ab. Ahad Khan, son of Gh. Rasool Khan, resident of Jaggarpora Handwara and 46 other applicants have filed this OA on 11.08.2020. 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.62/374/2020 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 29.06.2020 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 29.06.2020 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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