

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.62/549/2020
M.A. No.62/572/2020

Tuesday, this the 25th day of August, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Bhagwan Sahai, Member (A)**

1. Mohammad Iqbal Qurashi, Age 47 year,
S/o Ahad Ullah Qureshi,
R/o Wassan Kangan District Ganderbal
2. Ashaq Hussain Shah, Age 54 years,
S/o Gh. Mohi ud din Shah,
R/o Ganderbal
3. Muzafar Ahmad Bhat, Age 54 years,
S/o Gh. Muhammad Bhat,
R/o Drangbal Pampore District Pulwama
4. Arij Ahmad Sheikh, Age 52 years,
S/o Gh. Muhammad Sheikh,
R/o Fateh Kadal Srinagar
5. Tariq Rasool Phalgaroo,
Age 51,
S/o Gh. Rasool Phalgaroo,
R/o Kalshpora, Srinagar
6. Javeed Yassin Mir, Age 44 years,
S/o Muhammad Yassin Mir,
R/o Chararisharief Budgam - Applicants

(By Advocate: Mr. Mudasir Bin Hassan)

VERSUS

1. Union Territory of Jammu & Kashmir
Through its Principal Secretary to
Government, Power Development
Department, Civil Secretariat,
Jammu /Srinagar
2. Managing Director KPDCL
Jehangir Chowk Srinagar
3. Chief Engineer
(Distribution)Kashmir (KPDCL),
Jehangir Chowk, Srinagar
4. Executive Engineer ED Bemina
Srinagar
5. Execution Engineer STD Pulwana
6. Executive Engineer ED Srinagar
7. Executive Engineer IT &
Communication Division Bemina

- Respondents

(By Advocate: Mr. Sudesh Magotra)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Mohammad Iqbal Qurashi, son of Ahad Ullah Qureshi, resident of Wassan Kangan, District Ganderbal and 5 other applicants have filed this OA on 22.08.2020. 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 Electricians, Telephone Operators, Switch Board Attendants (SBA) and Line Erectors, 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.62/572/2020 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 Electricians, Telephone Operators, Switch Board Attendants (SBA) and Line Erectors 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 and 20.06.2018 to the respondents but even then their grievance has not been redressed; and
- (vi) in other OAs, such as OA No. 061/147/2020 (Guru Ram & Ors. Vs. UT of J&K & Ors.), OA No. 61/148/2020 (Amrinder Pal Singh & 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 and 20.06.2018 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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