

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 062/976/2020
(Diary No. 3973/20)
This the 05th day of November, 2020



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

1. Ghulam Muhammad Malik aged 71 years, S/o Rahim Malik R/o Charari Sharief District Budgam.
2. Ali Muhammad Dar aged 68 years, S/o Sidiq Dar R/o Surasyar Tehsil Chandoora District Budgam.
3. Abdul Aziz Bhat aged 68 years S/o Muhammad Bhat R/o Namblahar District Budgam.
4. Ghulam Mohi ud din Sheikh aged 70 years S/o Ahad Sheikh R/o Arigam Tehsil Khansahab District Budgam.
5. Assad Ullah Budoo aged 71 years, S/o Kh. Abdul Ahad Budoo R/o Choon Badoobagh District Budgam.
6. Mst. Rahmti aged 72 years, W/o Late Ghulam Muhammad Shah R/o Charari Sharief District Budgam.
7. Ghulam Ahmad Shah aged 68 years, S/o Habib Shah R/o Charari Sharief District Budgam.
8. Ali Muhammad Ganaie aged 71 years, S/o Kh. Khalil Ganaie R/o Arigam District Budgam.
9. Shameema Akhter aged 65 years, W/o late Mehraj ud din R/o Ichkoat District Budgam.
10. Abdul Rehman Dar aged about 69 years, S/o Ghulam Ahmad Dar R/o Qamarwari Srinagar.
11. Ghulam Rasool Mir aged 67 years, S/o Mohd. Mir R/o Darambagh Tehsil Chadoora District Budgam.
12. Sh. Ahad Dar aged 71 years S/o Ahmad Dar R/o Gud Sathu District Budgam.
13. Muhammad Jamal Hurrah aged 73 years, S/o Rahim Hurrah R/o Hardoo Dalwan Footipora Tehsil Charari Sharief District Budgam.

.....Applicants

(Advocate: Mr.Bhat Fayaz Ahmad)

Versus



1. Union Territory of Jammu & Kashmir through its Principal Secretary to Government, Power Development Department, Civil Secretariat Srinagar/Jammu, Email ID jkpdd9@gmail.com.
2. Chief Engineer Kashmir, Power Development Corporation Ltd. (O&M) Srinagar. (KPDCL) Email ID: cemrekmr@gmail.com.in.
3. Executive Engineer, Kashmir Power Development Corporation Ltd. (KPDCL) Electric Division Budgam. Email ID divisionbudgam@yahoo.com.

.....Respondents

(Advocate: Mr. Amit Gupta, learned DAG)

O R D E R

[O R A L]

Delivered by Hon'ble Mr. Anand Mathur, Member (A): -

Ghulam Muhammad Malik and twelve other applicants have jointly filed this O.A. under Section 19 of Administrative Tribunals Act, 1985, seeking direction to the respondents to grant them pre-revised pay scale of Rs.220-430, with all pay revisions from time to time, after their appointment as Technician-III and adjustment as Line Erectors and other equivalent posts, i.e., Electrician, Telephone Operators, Switch Board Attendance (SBA), Fitters, with all consequential benefits, in view of J & K High Court decision vide LPA No. 105/2013 along with clubbed matters.

3. We have heard Shri Bhat Fayaz Ahmad, learned counsel for the applicants and Mr. Amit Gupta, learned AAG for the respondents and perused the contents of the O.A.



4. The applicants in this O.A. contend that:

(i) They were appointed as Line Erectors, Telephone Operators, SBA, C/Jointer, etc. and have been working as Technician-III in PDD Department in different divisions of Srinagar. Many other petitioners filed Writ Petitions in J & K High Court for releasing pay scale of Rs.220-430 (pre-revised) and Rs.4000-6000 (revised), in which they were directed to place the applicants therein in the revised pay scale of Rs.4000-6000. The decision of Single Bench of J & K High Court was upheld by a Division Bench. SLP Nos. 23074-23075/2014 filed in Hon'ble Supreme Court challenging the J & K High Court decision was dismissed on 10.01.2018. Thereafter, the respondents granted to the applicants therein the pay scale of Rs.220-430 (pre-revised) in terms of High Court order; and

(ii) the applicants, being similarly placed with those for whom the pay scales have been granted, submitted a representation dated 25.06.2020 to consider their cases in

terms of order dated 29.07.2013 in LPA SW No.58/2013 but it has not yet been decided.



5. 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 grant the pay scale to them as per aforesaid J & K High Court order.

6. In view of these submissions, the O.A. is disposed of at the admission stage itself, with direction to respondent No.3 (Chief Engineer, J & K Power Development Corporation Ltd., Srinagar to decide the pending representation of the applicants dated 25.06.2020, within three weeks from the date of receipt of a copy of this order, by passing a well-reasoned and speaking order for grant of pay scale of Rs.220-430 (pre-revised) to them as per provisions of relevant Rules and the case law relied upon.

No costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Manish/-