

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing



**O.A. No. 62/954/2020**  
(Diary No. 4081/20)

This the 3<sup>rd</sup> day of November, 2020

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

1. Shaista Mushtaq Aged 41 years D/o Mushtaq Ahmad R/o Wanbal, Hilten Colony, Budgam.
2. Rukhsana Akhter aged 44 years, D/o Mohammad Abdullah Rather R/o Naid Boni, Rainawari.
3. Sunita Kour aged 41 years, D/o Dilip Singh R/o Saimoh, Traf Pulwama.
4. Fatima Akhter aged 41 years D/o Bashir Ahmad R/o Chattabal, Srinagar.
5. Mudasir Assad Mirza aged 42 years, D/o Assadullah Mirza R/o Rainawari, Srinagar.
6. Gurpreet Kour aged 42 years W/o Harbajan Singh R/o Bandybagh, Budgam.

.....Applicants

(Advocate: Mr.Hakim Suhail Ishtiaq)

**Versus**



1. Union Territory of J & K through Principal Secretary to Government,,  
Public Works (R&B) Department, Civil Secretariat, Srinagar/Jammu  
([compwd@rediffmail.com](mailto:compwd@rediffmail.com))
2. Principal Secretary to Government of J&K Finance Department, Civil  
Secretariat, Srinagar/Jammu [psfinance-jk@nic.in](mailto:psfinance-jk@nic.in).
3. Chief Engineer, Public Health Engineering Srinagar  
([kmrphed@gmail.com](mailto:kmrphed@gmail.com)).

.....Respondents

(Advocate: Mr. Amit Gupta, AAG)

## **ORDER**

### **[O R A L]**

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

1. In this O.A., the applicants seek a direction to the respondents to place the applicants in the higher pay scale of Rs.5150-8300 (pre-revised) from the date of their initial appointment. Applicants also seek to release all the consequential monetary benefits in their favour from the date of their appointment till their release.
2. Learned counsel for the applicants submitted that applicants may be granted the benefit of judgment of Hon'ble High Court of Jammu and Kashmir in SWP No. 2047 of 2003 – Sham Paul Randhawa and others Vs. State of J&K and others. The issue in question was adjudicated finally by the Hon'ble High Court as well as the Hon'ble Apex Court

and Government has implemented the judgment of Hon'ble High Court.



3. Learned counsel for the applicants submitted that the O.A. may be disposed of with a direction to the respondents/competent authority to consider the case of the applicants in the light of judgment of Hon'ble High Court of Jammu and Kashmir in SWP No. 2047 of 2003 – Sham Paul Randhawa and others Vs. State of J&K and others by passing a reasoned and speaking order in a time bound manner.
4. On the other hand, learned AAG submits that suitable action with regard to the claim of the applicants shall be taken in accordance with law.
5. In view of the aforesaid submissions and in the facts of the case, the Original Application is disposed of with a direction to respondents/competent authority to consider the claim of the applicants for grant of benefit if covered by judgment of Hon'ble High Court of Jammu and Kashmir in SWP No. 2047 of 2003 – Sham Paul Randhawa and others Vs. State of J&K and others, by passing a reasoned and speaking order within a period of two months from the date of receipt of certified copy of the order passed today. Needless to

state that in case the applicants are found entitled to the benefit of the judgment of Hon'ble High Court of Jammu and Kashmir referred to supra; the same shall be extended to them. It is made clear that this Tribunal has not expressed any opinion on the merits of the case. No order as to costs.



(ANAND MATHUR)  
MEMBER (A)

(RAKESH SAGAR JAIN)  
MEMBER (J)

Manish/-