

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/146/2021

This the 03rd day of February, 2021



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

1. Rafiq Ahmad Qureshi Aged about 59 years, S/o Abdul Majeed Qureshi, R/o Dabtal Ganzkhud, Srinagar.
2. Mohammad Saleem Makhdoomi Aged about 58 years,, S/o Abdul Qadoos Makhdoomi, R/o Makhdoom Mandaw Kalaspora at present Arfeen Colony Lane No. 2.
3. Manzoor Ahmad Khandy Aged about 58 years, S/o Ghulam Mohammad Khandy, R/o Village Amlar District Pulwama

.....Applicants

(Advocate:- Mr. Muzaffar Ahmad Bakkal)

Versus

1. Union Territory of J&K through Principal Secretary to Government Power Development Department, Civil Secretariat, Jammu/Srinagar to Srinagar-190001.
2. Development Commissioner (Power), Power Development Department, Jammu and Kashmir-190001.
3. Chief Engineer, M & R E Wing Kashmir, Power Development Department Srinagar-190018.
4. Superintendent Engineer, M & RE Wing Kashmir, Power Development Department Srinagar.-190018.

.....Respondents

(Advocate: Mr. Rajesh Thappa, Id. Deputy Advocate General)

ORDER

[O R A L]

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

Mr. Rafiq Ahmad Qureshi and two others have jointly filed this O.A. under Section 19 of Administrative Tribunal Act 1985 seeking direction to the respondents to grant them pay and grade attached to the post of Meter Readers w.e.f., the date of promotion and confirmation as Meter Readers (Executive Cadre) , in view of J & K High Court decision dated 26.02.2008 in SWP No. 2455/2001 titled Subash Chander and Ors

vs State of J&K and ors and judgement dated 26.03.2019 in SWP No. 2800/18 titled Mushtaq Ahmad Shah and ors vs State and ors.

2. We have heard Mr. Muzaffar Ahmad Bakkal learned counsel for the applicants and Mr. Rajesh Thappa, Id. Deputy Advocate General and perused the contents of the O.A. The applicants in this O.A. have contended that :

- (i) They were promoted to the post of Meter Readers but the respondents have not paid the salary and other dues as per the pay scale attached to the posts as per Recruitment Rules. The respondents have denied the pay attached to the post of Meter Readers (Executive) to which the applicants have been promoted after clearance by the Departmental Promotion Committee from time to time. Though other employees holding the post of Meter Readers in the department have already received the pay attached to the said post along with other consequential benefits but the respondents denied the said benefits and pay scale to the applicants.

3. 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 J & K High Court orders mentioned in the preceding paras. Learned DAG seeks adjournment to file counter affidavit.

4. However, the O.A. is disposed of at the admission stage itself with direction to the competent authority amongst the respondents to consider the case of the applicants for grant of pay and grade attached the post of Meter Readers w.e.f, the date of their promotion and confirmation as meter readers taking into account the judgements dated 26.02.2008 passed in SWP No. 2455/2001 Subash Chander and Ors vs State of J&K and ors and 26.03.2019 in SWP No. 2800/18 titled Mushtaq Ahmad Shah and ors vs State and ors., by passing a well reasoned and speaking order for grant of pay scale to them 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 claim as per of law laid down by the Hon'ble Supreme Court of India.

5. No order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Arun

