

**Central Administrative Tribunal  
Jammu Bench, Jammu**

Hearing through video conferencing

**T.A. No.62/1176/2020**

Tuesday, this the 7th day of December, 2020

**Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

**Hon'ble Mr. Pradeep Kumar, Member (A)**

1. Muhammad Akram Baba aged 66 years, S/o Quada Baba R/o Gulshanabad Tehsil Rajpora District Pulwama.
2. Abdul Gaffar Dar aged 62 years S/o Ghulam Muhammad Dar R/o Wanpora Tehsil and District Pulwama.
3. Ghulam Ahmad Mir aged 70 years S/o Ghulam Haider Mir R/o Gangu Pulwama.
4. Ghulam Rasool Shah aged 61 years S/o Ghulam Ahmad Shah R/o Drgmulla Kupwara.
5. Khazir Muhammad Ganaie aged 69 years S/o Ghulam Rasool Ganaie R/o Sagam Lolab Kupwara.

.....Applicant

By Advocate: Mr. L.A Latif and Mr. Bhat Fayaz Ahmad.

**Versus**

1. Union Territory of Jammu and Kashmir through its Principal Secretary to Government, Power Development Department, Civil Secretariat, Srinagar/Jammu, Pin Code 190001
2. Chief Engineer Kashmir, Power Development Corporation Ltd (O&M) Srinagar (KPDLC) Pin code-190001.





3. Executive Engineer, Kashmir Power Development Corporation (O&M) Division, Pulwama, Pin Code-192301.
4. Executive Engineer, Kashmir Power Development Corporation (O&M) Division Shopian, Pin Coe -192303.
5. Executive Engineer, Kashmir Power Development Corporation (O&M) Division Handwara, Pin Coe -193221

..... Respondents

By Advocate: Shri Sudesh Magotra, D.A.G.

### **ORDER (ORAL)**

**Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

1. Muhammad Akram Baba, S/o Quada Baba and four others have jointly filed this O.A. under Section 19 of Administrative Tribunal 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 Meter Reader, SBA, Electrician, Line Erector, Telephone Operators, Fitter, Turbine Operator, Mechanics, Installation Inspector, Line Inspector and other similar designation and other similar designations who have worked as Technician 3<sup>rd</sup> in the Power Development Department Switch Board Attendance (SBA), Fitters with all consequential benefits, in view of J & K High Court decision dated 29.07.2013 in LPA No. 58/2013 alongwith clubbed matters.
2. We have perused the contents of the O.A. and heard today Mr. L.L Latif and Mr. Bhat Fayaz Ahmad applicants's counsel and Mr. Sudesh Magotra, DAG for respondents. The applicants in this O.A. contended that :



- (i) They were appointed as Meter Reader, SBA, Electrician, Line Erecter, Telephone Operators, Fitter, Turbine Operator, Mechanics, Installation Inspector, Line Inspector and other similar designation and who have worked as Technician 3<sup>rd</sup> in the Power Development Department Switch Board Attendance (SBA), Fitters in different divisions of Jammu, Many other petitions 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 petitioner therein in the revised pay scale of Rs.4000-6000. The decision of Single Bench of J & K High Court was upheld by the Division Bench SLP Nos.23074,23074/2014 and in Hon'ble Supreme Court challenging the J & K High Court decision was dismissed on 10.01.2018. Thereafter, the respondents granted to the petitioners 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 06.02.2020 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.

3. We have heard both the counsels and perused the case record.



4. 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. Learned DAG seeks adjournment to file counter affidavit.
5. However, the O.A. is disposed of at the admission stage itself with direction to the respondent no.2 i.e the Chief Engineer, Kashmir, Power Development Corporation Ltd (O&M) Srinagar (KPDCL) to decide the pending representation of the applicants dated 20.06.2020 within three months 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. 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. No costs.

**(Pradeep Kumar)**  
**Member (A)**

**(Rakesh Sagar Jain)**  
**Member (J)**

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, WAZARAT ROAD JAMMU**



**ORDER SHEET**

No. Of Adjournment : 1

COURT NO. : 1

07.12.2020

O.A./62/1176/2020

MUHAMMAD AKRAM BABA

-V/S-

D/O POWER DEVELOPMENT UT OF J&K

ITEM NO:3

FOR APPLICANTS(S) Adv. :

Mr L. A Latif

Mr. Bhat Fayaz Ahmad

FOR RESPONDENTS(S) Adv.:

Mr. Sudesh Magotra, Id. D.A.G.

Notes of The Registry	Order of The Tribunal
	<p>The O.A., as per oral order in separate sheets, is disposed of. No costs.</p> <p>( PRADEEP KUMAR.) MEMBER (A)</p> <p>( RAKESH SAGAR JAIN.) MEMBER (J)</p> <p>mjsinha</p>

