

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/02/2021

This the 05th day of January, 2021

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

1. Abdul Gaffar Gania (aged: 61 years) S/o Mohd Sidiq Gania, R/o Mohalla Washibugh, District Pulwama, Pincode-192031.
2. Gh. Qadir Ganie (aged 61 years) S/o Gh. Mohd Ganie, R/o Washibugh, District Pulwama Pincode-192301.
3. Ghulma Rasool Ganai (aged 62 years), S/o Khaliq Ganai, R/o Tulmulla, Ganderbal, Pincode-191131.

.....Applicants

(Advocate: Mr. L.A. Latief)

Versus

1. Union Territory, J&K through Its Principal Secretary to Government Power Development Department, Civil Secretariat, Srinagar/Jammu.- 180001.
2. Chief Engineer, Kashmir, Power Development Corporation Ltd. (O&M) Srinagar, (KPDCL)-190001.
3. Executive Engineer, Kashmir Power Development Corporation Ltd. (KPDCL) Electric Division, Ganderbal (Division-IV)-191201.

.....Respondents

(Advocate: Mr. Amit Gupta, ld. A.A.G.)



O R D E R
[O R A L]



Mr. Abdul Gaffar Gania 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 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 Erecter, Telephone Operators, Fitter, Turbine Operator, Mechanics, Installation Inspector, Line Inspector and other similar designation and other similar designations who have worked as Technician 3rd 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 heard Mr. L.A. Latief, learned counsel for the applicants and Mr. Amit Gupta, learned Additional Advocate General and perused the contents of the O.A.. The applicants in this O.A. have 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 3rd 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.23074-23075/2014 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 25.06.2020 to consider their cases in terms of order dated 29.07.2013 in LPASW No. 58/2013 but it has not yet been decided.



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 aforesaid J & K High Court order. 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 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 25.06.2020 within one month 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.

5. No order as to costs.

**(RAKESH SAGAR JAIN)
MEMBER (J)**

Arun