



## Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/293/2020

M.A. No.61/162/2020

Wednesday, this the 22nd day of July, 2020

**Hon'ble Dr. Bhagwan Sahai, Member (A)**  
**Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

1. Harvinder Kumar, Age 52 years  
S/o Dewan Chand R/o Mangnar Poonch
2. Mohd. Bashir Age 54 years  
S/o Sh. Munshi R/o Naka Manjari, Poonch
3. Fiyaz Ahmed Age 49 years  
S/o Nazir Ahmed Khan R/o Naka Manjari Poonch
4. Mohd. Amin Age 48 years  
S/o Mohd. Ramzan R/o Dhargaloon Poonch
5. Mahmood Hussain Age 51 years  
S/o Abdul Aziz R/o Dhargaloon Poonch
6. Gulzeer Shabnam Age 49 years  
S/o Sain Mohd. R/o Harmutta Gursai Poonch
7. Mohd. Sajeed Age 50 years  
S/o Abdul Hamid R/o Gohlad Poonch
8. Ashwani Kapoor age 45 years  
S/o Sh. Krishan Lal Kapoor R/o Gohlad Poonch
9. Abdul Kareem Age 50 years  
S/o Mohd. Hussain R/o Behra Poonch
10. Tanveer Aslam Khan Age 47 years  
S/o Mohd. Aslam Khan R/o Sarooti Poonch
11. Muzafar Hussain Age 50 years  
S/o Mohd. Latief R/o Bhata Dhurian Poonch
12. Abdul Nahiem Khan Age 47 years  
S/o Abdul Latief Khan R/o Sandote Balkote Poonch
13. Mumtaz Hussain Shah Age 49 years  
S/o Munir Hussain Shah R/o Gursai Poonch ...Applicants

(Mr. Ajit Verma, Advocate)

### **Versus**

1. UNION TERRITORY OF JAMMU AND KASHMIR,  
Through Principal Secretary to Government,  
Power Development Department, J&K  
Civil Secretariat, Jammu
  2. THE Managing Director,  
JPDCL, Jammu
  3. The Chief Enigneer,  
JPDCL, Jammu.
  4. THE CHIEF ENGINEER,  
System and Operation Wing, Jammu
  5. THE EXECUTIVE ENGINEER,  
JPDCL, Poonch
  6. THE EXECUTIVE ENGINEER,  
STD-IV, Kalakote
  7. THE EXECUTIVE ENGINEER,  
TLMD-VIII, Jammu
- ...Respondents
- (Mr. Amit Gupta, Additional Advocate General)

### **O R D E R (ORAL)**

#### **Dr. Bhagwan Sahai, Member (A):**

Harvinder Kumar, son of Shri Dewan Chand, resident of Mangnar, Poonch and 12 others have filed this OA on 16.07.2020 seeking direction to the respondents to grant them pre-revised pay scale of Rs.220-430 with all revisions from time to time from the date of their appointment as Technicians Grade-III - Line Erectors, Electricians, Telephone Operators, Switch Board Attendants, Fitters etc., in light of J&K High Court order dated 29.07.2013 in LPA 58/2013 along with clubbed matter titled **State of J&K through Commissioner Secretary to Govt. PDD. Vs. Joginder Singh & others.**

2. We have heard today Mr.Ajit Verma, applicants' counsel and Mr. Amit Gupta, AAG, on behalf of respondents.

3. In the OA, the main contention of the applicants is that-

- (i) they were appointed as Technician-III in the year 1998. Although the newly created posts of Technicians Grade-III have not yet been incorporated in J&K Power Development Department (Subordinate) Service Recruitment Rules, 1981, the applicants have been working on the equivalent posts and are entitled for the pre-revised pay scale of Rs.220-430, which was subsequently revised to Rs.4000-6000. The High Court decision in Joginder Singh (supra) along with clubbed matters was in favour of the petitioners therein and challenge to it subsequently in the Apex Court also came to be dismissed. In view of this, the respondents have implemented the pay scale for petitioners in the aforementioned Writ Petitions; and
- (ii) the applicants have submitted their grievance for non-grant of pay scale of Rs.220-430 to the Chief Engineer on 29.03.2020, however, it has not yet been decided but in view of the orders of the Tribunal dated 23.06.2020 in OA 61/83/2020, similar relief should be granted to the applicants in this OA.

4. The applicants' counsel submits that the applicants would be satisfied if this OA is disposed of at this stage with direction to the respondents as given in OA 61/83/2020. The respondents' counsel has no objection to such disposal of the OA.

5. In view of the above submissions, this OA is disposed of with direction to the respondents to consider and decide with reasoned and speaking order the aforementioned representation of the applicants dated 29.03.2020 as per provisions in relevant Service and Pay Rules applicable to the applicants and in view of the High Court order relied upon by them, if it was passed in case of identically situated employees of the respondent Corporation. That order should then be communicated to the applicants. The respondents should also examine as to whether their claim has become stale or dead as per the view taken in a number of Supreme Court decisions. This exercise should be completed by the respondents within a period of 60 days from the date of receipt of a copy of this order. However, it is to be noted that we have neither expressed any opinion on merits of the applicants' case nor examined applicability of the case laws relied upon by them. With this, the OA stands disposed of. No costs.

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

**( Dr. Bhagwan Sahai )**  
**Member (A)**

