



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/292/2020
M.A. No.61/161/2020

Wednesday, this the 22nd day of July, 2020

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

1. Gurdev Singh Age 47 years
S/o S. Deedar Singh
R/o Mohalla Sandicate W. No. 10 Poonch
2. Rangeel Singh Age 49 years
S/o S. Deedar Singh R/o Mohalla Sandicate
W. No. 10 Poonch
3. Rajinder Kumar Age 53 years S/o Harnam Dass
R/o Mohalla Power House W. No. 12 Poonch
4. Ranjeet Singh Age 49 years S/o S. Bhajan Singh
R/o Mohalla Khorinar W. No. 8 Poonch
5. Sanjeev Kumar Age 49 years
S/o Sh. Jodh Lal R/o Mohalla Purani Poonch
6. Ranjeet Singh Age 58 years
S/o Moti Singh R/o Mohalla Kamsar W.No. 9 Poonch
7. Mukesh Kumar Age 47 years S/o Baldev Raj
R/o Poonch
8. Manzoor Hussain Shah Age 47 years
S/o Mohd. Shah R/o Bandi Chechaina
Tehsil Haveli Distt. Poonch
9. Mumtaz Hussain Age 52 years
S/o Manzoor Hussain R/o Janyar (Dingla) Poonch
10. Javaid Iqbal Age 46 years
S/o Mohd. Nazir R/o Checktroo Poonch
11. Maqsood Ahmed Age 46 years
S/o Mohd. Nazir R/o Village Khanetar Poonch
12. Javaid Iqbal Age 45 years S/o Abdul Majid

R/o Poonch City.

13. Prithpal Singh Age 46 years S/o Gurbax Singh R/o Mohalla Khakha Nawan Poonch
14. Satinder Singh Age 50 years
S/o Harnam Singh R/o Khakha Nawan Poonch at present Village Gulpur Poonch
15. Sukhdev Raj Age 47 years
S/o Jagdish Lal R/o Mohalla Khorinar Poonch
16. Varinder Kumar Age 45 years S/o Om Parkash
R/o Mohalla Sheesh Mahal Poonch
17. Narinder Kumar Age 45 years
S/o Shankar Dass R/o T.T. School Poonch
18. Manoj Kumar Age 47 years
S/o Jai Ram R/o Village Salotri Poonch
19. Mohd. Khalil Age 56 years S/o Sardar Mohd. R/o Kanuyian Poonch
20. Mohd. Ayub Age 47 years S/o Lal Hussain R/o Surankot Poonch
...Applicants

(Mr. Ajit Verma, Advocate)

Versus

1. THE UNION TERRITORY OF JAMMU AND KASHMIR,
Through its Principal Secretary to Government,
Power Development Department, J&K
Civil Secretariat, Jammu
2. THE Managing Director,
JPDCL, Jammu
3. The Chief Engineer,
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. Rajesh Thapa, Deputy Advocate General)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Gurdev Singh, son of Shri Deedar Singh, resident of Mohalla Sandicte, W. No.10, Poonch and 19 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. Rajesh Thapa, DAG, on behalf of respondents.
3. In the OA, the applicants have stated that –
 - (i) they were appointed as Technician-III in PDD department in different divisions/sub-divisions of District Poonch. Several other petitioners approached the High Court for releasing pay scale of Rs.220-430 to them, which was decided in their favour. In another LPA **State and ors. Vs. Javeed Khan and ors.** also, similar orders were passed by the High Court and challenge to the High Court decision in the Supreme Court was rejected in SLP

No.23074-75/2014. Thereafter, the respondents communicated order of 26.09.2018 to Development Commissioner (Power), J&K, Srinagar for further necessary action as per the opinion of Department of Law, Justice and Parliamentary Affairs and of the Finance Department; and

(ii) in view of the above, the petitioners have approached the Chief Engineer, PDD with their representation dated 30.03.2020 but that has not yet been decided.

4. The applicants' counsel submits that in view of the orders passed by this Tribunal in other similar OAs, the applicants would be satisfied if this OA is disposed of with similar directions to the respondents. The respondents' counsel has no objection to such disposal of the OA.

5. In view of the above submissions, we dispose this OA of with direction to the respondents to consider and decide with reasoned and speaking order the pending representation of the applicants dated 30.03.2020 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 for identically placed other employees. While considering the applicants' representation the respondents should examine as to whether the case law relied upon by the applicants was for identically situated other employees and whether those orders

were specific only to the petitioners therein or were applicable in general. 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)

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