

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.061/319/2020
MA No. 61/179/2020

Tuesday, this the 11th day of August, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Bhagwan Sahai, Member (A)

1. Mohd. Razaq
Age 47 years S/o Bagga Paswal
R/o Village Gunthal
2. Tahir Manir,
Age 45 years, S/o Mohd. Ashraf
R/o Draba.
3. Javid Iqbal
Age 45 years S/o Mohd. Sulaman
R/o Sangla.
4. Talib Din,
Age 48 years, S/o Mohd. Din
R/o Manyal
5. Nazir Hussain
Age 48 years s/o Star Mohd.
R/o Dandi Tara
6. Wazir Ahmed
Age 53 years s/o Mohd. Iqbal
R/o Gunthal
7. Liaqat Hussain
Age 45 years s/o Mohd. Sadiq
R/o Sanai
8. Tanveer Ahmed
Age 45 years S/o Altaf Hussain

R/o Village Draba Surankote District Poonch.

(By Advocate: Mr. Ashwani Kumar)

Versus

1. UT of Jammu & Kashmir
Through Principal Secretary to Government,
Power Development Department,
Jammu & Kashmir, Civil Secretariat, Jammu
2. The Managing Director,
JPDCL, Jammu
3. The Chief Engineer (Distribution),
JPDCL, Jammu
4. Executive Engineer,
EM&RE Division, Poonch
5. Executive Engineer,
STD, Kalakote - Respondents

(By Advocate: Mr. Amit Gupta, DAG)

ORDER (ORAL)

Dr. Bhagwan Sahai, Member (A):

Mohd. Razaq, son of Sh. Bagga Paswal, resident of Village Gunthal and 7 other applicants have filed this OA on 17.07.2020, seeking direction to the respondents to grant them pre-revised pay scale of Rs.220-430, with all subsequent pay revisions from time to time, from the date of their initial placement as Technical-III on appointment/promotion to the posts of Line Erectors, Electricians, Switch Board Attendants (SBA), Telephone Operators, Fitters, Mechanics and Cable

Joinders, in view of J&K High Court order dated 29.07.2013 in LPA No. 58/2013 (**J&K of State through Commissioner Secretary to Govt. PDD vs. Joginder Singh & Ors.** along with clubbed matters).

2. MA No.61/179/2020 filed by the applicants for submitting this OA jointly is allowed.

3. In the OA, the main submissions of the applicants are that –

(i) they were appointed in the year 1998 as Technician – III, which was a newly created post and till date it has not been incorporated in the J&K Power Development (Subordinate) Service Recruitment Rules, 1981;

(ii) but they have been working as Technician Grade-III on the posts of Line Erectors, SBA, Electricians, Telephone Operators, Fitters, Mechanics and Cable Joiners in the Power Development Department (PDD), which are similar to the post of Meter Reader and fall in the Schedule 1 of J&K PDD Subordinate Service Recruitment Rules 1981, carrying the pre-revised pay scale of Rs.220-430 and they are entitled for the above pay scale, but the respondents have denied it to them inadvertently;

(iii) many other applicants filed many Writ Petitions such as LPA No. 105/2013 and LPA No. 80/2013 (State of J&K & Ors. Vs. Javeed Ahmad Khan & Ors.) in J&K High Court for releasing them a pre-revised pay scale of Rs.220-430 (which was subsequently revised to Rs.4000-6000) in which the respondents were directed by order dated 28.01.2014 to place the petitioners therein in the revised pay scale of Rs.4000-6000. Respondents filed SLP Nos. 23074-23075/2014 against orders of the High Court dated 28.01.2014 in LPA No. 105/2013 and LPA No.80/2013, which were also dismissed by order dated 10.01.2018;

(iv) thereafter the respondent no.1 by orders dated 26.09.2018 and 27.09.2018 directed the Development Commissioner (Power) J&K Srinagar for taking further necessary action to implement the High Court order dated 28.01.2014. Based thereon, respondent no.3 implemented the High Court order in case of other employees of their corporation;

(v) then the applicants filed a representation dated 15.03.2020 to the respondent no.3, i.e., Chief Engineer, JPTCL, Jammu to consider their case on the basis of High Court order dated 29.07.2013 in LPA No. 58/2013 (State of J&K & Anr. Vs. Joginder Singh & Ors.), but they have not been

granted the pre-revised pay scale of Rs.220-430 from the date of their appointment in 1998; and

(vi) this Tribunal has also decided the OA No. 61/83/2020 (Brij Raj Singh & Ors. Vs. UT of J&K & Ors.) on 23.06.2020 directing the respondents to consider the case of the applicants therein.

4. In view of the above submissions, this OA is disposed of with direction to the respondents to consider the representation of the applicants dated 15.03.2020 and a copy of this OA as part of their representation and decide it with a reasoned and speaking order as per provisions in relevant Service and Pay Rules applicable to them and in view of the case law relied upon by them, if it was for identically placed other employees of the respondents. The decision should then be communicated to the applicants.

5. While considering the applicants' case, the respondents should also examine as to whether their claim being articulated now has become stale or dead due to inordinate delay and laches as per the view taken in Supreme Court decisions such as **Chairman, UP Jal Nigam & Anr. V. Jaswant Singh & Anr.**, JT 2006(10) SC 500 and **Govt. of**

West Bengal vs. Tarun K. Roy & Ors. (2004)1 SCC 347. 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.

(Dr. Bhagwan Sahai)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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