

**Central Administrative Tribunal  
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.061/309/2020

M.A. No.061/173/2020

Thursday, this the 30<sup>th</sup> day of July, 2020

**Hon'ble Dr. Bhagwan Sahai, Member (A)**

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

1. Khursheed Ahmed, Age 48 years,  
S/o Sh. Gulam Hussan Mir,  
R/o Near Safa Valley Madina Hill Kholimola,  
Bathindi, Jammu
2. Keshav Chanda, Age 34 years,  
S/o Gulzari Lal Chandan,  
R/o Kootah District Kathua
3. Sunil Singh Kotwal, Age 33 years,  
S/o Sh. Kartar Singh,  
R/o H.No.112/A, Lane No.10, Phase-III,  
Suraksha Vihar Paloura Top, Jammu
4. Bhupesh Sharma, Age 35 years,  
S/o Sh. Surjeet Kumar,  
R/o Ward No.3, Indira Colony (Kathua)
5. Abdul Rashid Rather, Age 43 years,  
S/o Assad Ullah Rather,  
R/o Kurhama Ganderbal Kashmir
6. Mohd. Ashraf Mir, Age 44 years,  
S/o Mohmad Yousf Mir  
R/o Quilmugam Bandipora
7. Ali Hussain Chowdhary, Age 38 years,

S/o Jamal Din  
R/o H.No.17-A Subash Nagar,  
Near Parshotam Building, Jammu

8. Balbinder Singh Age 41 years,  
S/o Kaka Ram  
R/o Mattoo PO Jourian Tehsil Khour  
District Jammu
9. Anil Kumar Age 42 years,  
S/o Shiv Lal  
R/o Pochhal Kishtwar
10. Abdul Shakoor Dar, Age 36 years,  
S/o Ali Mohammad Dar  
R/o Qammarwan, Hilal Abad Sector-1A,  
Srinagar
11. Rajindedr Saini, Age 34 years,  
S/o Sh. Madan Lal Saini,  
R/o VPO Arnia Tehsil Arnia  
District Jammu
12. Ahmad Ali Age 38 years,  
S/o Mohd. Baqir  
R/o Parkachik Kargil
13. Dwarka Nath Sharma, Age 34 years,  
S/o Ashok Kumar,  
R/o Village Phalote Tehsil & District Kathua
14. Subash Chander Age 37 years,  
S/o Mahanga Ram,  
R/o Vilalge Jogwan PO Pallanwala Tehsil  
Akhnoor District Jammu

- Applicants

(By Advocate: Mr. Ashwani Sharma)

Versus

1. UT of Jammu & Kashmir  
Through Principal Secretary to Government,  
Power Development Corporation,  
Jammu & Kashmir, Civil Secretariat, Jammu
2. The Managing Director,  
Power Development Corporation
3. The Chief Engineer,  
Power Development Corporation,  
Chanderkot, Ramban
4. Executive Engineer EPD Division,  
Chanderkot, Ramban
5. Executive Engineer Mechanic Division,  
Chanderkot, Ramban - Respondents

(By Advocate: Mr. Amit Gupta, AAG)

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

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

Khursheed Ahmed, son of Sh. Gulam Hussan Mir, resident of Near Safa Valley Madina Hill Kholimola, Bathindi, Jammu and 13 other applicants have filed this OA on 17.07.2020. They seek direction to respondents to grant them pre-revised pay scale of Rs.220-430 from the date of their appointment on posts such as Line Erectors, SBA, Telephone

Operators etc. with subsequent revisions from time to time, in view of J&K High Court decision dated 29.07.2013 in LPA SW No.58/2013 along with clubbed matters, titled State of J&K through Commissioner Secretary to Govt. PDD Vs. Joginder Singh and others.

2. We have heard today the applicants' counsel, Ashwani Sharma and Mr. Amit Gupta, AAG, on behalf of respondents.

3. MA No.173/2020 has been filed by the applicants, seeking permission to submit this OA jointly. It is allowed.

4. In the OA and during arguments of their counsel, the main contention of the applicants is that they were appointed as Technician – III in PDD Department in different divisions/sub divisions of Jammu District and designated as Line Erectors, Electrician, Telephone Operators, Switch Board Attendants (SBA), fitters etc. Many other petitioners approached the J&K High Court in Writ Petitions for granting the pre-

revised pay scale of Rs.230-430 (which was subsequently revised to Rs.4000-6000) and the Writ Petitions were allowed in favour of the petitioners therein first by the order of Single Bench and then by a Division Bench in order dated 28.01.2014 in LPA No. 105/2013 and in order dated 28.01.2014 in LPA No.80/2013. Challenge to the High Court's order was rejected by the Apex Court in several SLPs of 2014 and 2017. In view of the High Court's order in case of State of J&K Vs. Joginder Singh & others dated 29.07.2013, the respondents have subsequently granted the revised pay scale of Rs.220-430 to the petitioners therein. The applicants contend that they are also identically placed with the petitioners in the High Court's order so they are also entitled for similar benefits, i.e., grant of pre-revised pay scale of Rs.220-430 from the date of their initial appointment. The applicants fall under Schedule I of J&K PDD Subordinate Service Recruitment Rules 1981, and they are entitled for the above pay scale, but the

respondents have denied it to them inadvertently. Therefore, this OA should be allowed.

5. The applicants' counsel submits that the applicants being similarly placed with the applicants in other OAs already decided by the Tribunal, they would be satisfied if this OA is disposed of at this stage with similar direction to the respondents. Respondents' counsel has no objection to such disposal of the OA.

6. In view of the above submissions of the parties, this OA is disposed of with direction to the respondents to treat a copy of this OA as a representation of the applicants and decide it with a reasoned and speaking order as per provisions in relevant Service and Pay Rules applicable to them, 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. While considering the applicants' case, 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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