

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.061/359/2020
M.A. No.061/209/2020

Tuesday, this the 11th day of August, 2020

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

1. Sunil Moza Age 48 years
S/o Sh. Hira Lal Moza
R/o H.No. C-10/2 Lane No. 2 Extension Anand Nagar Bohri
District Jammu
Pin Code 180002
2. Vijay Raina Age 50 years
S/o Late Sh. Girdhari Lal Raina
R/o H.No. 90 sector 2 Pamposh Colony Janipur
District Jammu
Pin Code 1800027
3. Dileep Karihaloo Age 51 years
S/o Late Sh. Saligram Karihaloo
R/o H.No. 25, Lane No. 4 Basant nagar
Extension janipur District Jammu
Pin Code 180007
4. Sunil Kumar Machama Age 59 years
S/o Late Sh. Omkar Nath Machama
R/o H.No. 60 Aheet Colony Camp Gole Gujral
Talab Tillo, District Jammu
Pin Code 180002
5. Vinod Kumar Sathu Age 56 years
S/o Sh. Mohal Lal Sathu
R/o Sharda Colony Patoli Brahmana
Barnai, District Jammu
Pin Code 181205

6. Deepak Bhat Age 48 years
S/o Late Sh. Soom Nath
R/o Lane No. 4/C Upper Shiv Nagar
District Jammu
Pin Code 180001
7. Sikander Azam Ahanger Age 44 years
S/o Sh. Mohi Ud din Ahanger
R/o Gund Bhat district Srinagar Kashmir
Pin Code 190017
8. Arun Kumar Gaind Age 44 years
S/o Sh. Naresh Kumar Gaind
R/o Jawahar Nagar, District Srinagar Kashmir
Pin Code 190008
9. Sjanor Ahmed Shah Age 47 years
S/o Gulam Mohd Shah
R/o Chrar-e Sharif, District Budgam, Kashmir
Pin Code 191112
10. Om Prakash Age 58 years
S/o Sh Pushkar Nath
R/o Lower Muthi Gajansoo Road
District Jammu
Pin Code 181205
11. Abdul Majeet Batoo Age 52 years
S/o Habibullah Batoo
R/o Nowgam District Anantnag, Kashmir
Pin Code 192201
12. Mushtaq Ahmad Khan Age 49 years
S/o Mohd Ibrahim Khan
R/o Andurah District Anantnag Kashmir
Pin Code 192201
13. Shabir Ahmad Tak Age 49 years
S/o Mohd Ibrahim Tak
R/o Sarnal Bala District Anantnag Kashmir
Pin Code 192101

14. Gh. Rasool Shah Age 48 years
S/o Gh. Nabi Shah
R/o Buchan (Shangus) District Anantnag
Kashmir
Pin Code 192201
15. Idrees Ashaq Beig Age 44 years
S/o Sh. Ashaq Hussain Beig
R/o Sarnal Bala district Anantnag, Kashmir
Pin Code 192101
16. Tanveer Ahmad Khan Age 48 years
S/o Bashir Ahmed Khan
R/o Andoora district Anantnag
Kashmir
Pin Code 192201
17. Nisar Ahmad Najar Age 49 years
S/o Gh. Mohd Najar
R/o Sarnal Payeen district Anantnag Kashmir
Pin Code 192101
18. Fareed Ahmad Wani Age 47 years
S/o Azim Ud din Wani
R/o Nanil district Anantnag Kashmir
Pin Code 192125
19. Imtiyaz Ahmad Nanwaie Age 47 years
S/o A.B. Rashid Nanwale
R/o Kadipor, District Anantnag Kashmir
Pin Code 192101
20. Satish Kumar Koul Age 50 years
S/o Sh. Kashi Nath Koul
R/o H.No. 9 Aman vihar Phase-II
Gole Gujral Talab Tillo, District Jammu
Pin Code 180002
21. Sandeep Kumar Tickoo Age 46 years
S/o Late Sh. Moti Lal Tickoo
R/o H.No. 19 Lane No. 1 Saraswati Vihar,

Tomal Bohri, district Jammu
Pin Code 180002

22. Ruvendar Kumar Raina Age 49 years
S/o Sh. Kashi Nath Raina
R/o H.No. 9A Lane No. 1 Bharat Nagar Bantalab
District Jammu
Pin Code 181123
23. Verander Kumar Age 51 years
S/o Sh. Jagar Nath Bhat
R/o H.No. 219, Amar Colony
Extension Camp road Talab Tillo
District Jammu
Pin Code 180002
24. Kuldeep Kumar Saproo Age 57 years
S/o Sh. Omkar Nath Saproo
R/o H.No. 117, Sector -3, Canal road Bhagwati Nagar
District Jammu
Pin Code 180001
25. Ramesh Kumar Bhat Age 55 years
S/o Sh. Madusudan Bhat
R/o H.No. 5, Lane No. 3 Saraswati Vihar
Tomal Bohri, District Jammu
Pin Code 180002
26. Vinod Kumar Bhat Age 52 years
S/o Late Sh. Moti Lal Bhat
R/o H.No. 9 Lane No. 4 Surya Vihar
Patta Bohri Talab Tillo
District Jammu
Pin Code 180002
27. Poshker Nath Mantoo Age 52 years
S/o Late Sh. Damodhar Lal Mantoo
R/o Lane No. 11 Jagti Town Ship Nagrota
District Jammu
Pin Code 181221
28. Khorsheed Ahmad Parrey Age 44 years

S/o An. Majeed Parrey
R/o Frisal, District Kulgam Kashmir
Pin Code 192231

29. Javeed Iqbal Age 45 years
S/o Abdul Khalid Zargar
R/o Al Hadeet Masjid Lane Peerbadh
Srinagar Kashmir
Pin Code 190001
30. Perwaze Ahmad Khan Age 50 years
S/o Sonaullah Khan
R/o YK Pora Quazigund district Kulgam
Srinagar Kashmir
Pin Code 192221
31. Gh Mohi Ud din Aga Age 47 years
S/o Mohd Anwar Aga
R/o Khiram Bijbehara District Anantnag Kashmir
Pin Code 192401
32. Nazir Ahmad Parray Age 52 years
S/o Asudulla Parry
R/o Hablisch District Kulgam,
Kashmir
Pin Code 192231
33. Swaranjeet Singh Age 54 years
S/o S. Mohan Singh
R/o Silligam, District Anantnag Kashmir
Pin Code 192129
34. Farooq Ahmad Malla Age 48 years
S/o Gh Mohd Malla
R/o Trigam District Kulgam Kashmir
Pin Code 192231
35. Hakeem Farooq Ahmad Age 50 years
S/o Hakeem Gulam Qadir
R/o District Anantnag Kashmir
Pin Code 192201

36. Tarooq Ahmed Mir Age 45 years
S/o Ab. Gani Mir
R/o K.P. Bagh Tehsil & District
Srinagar Kashmir
Pin Code 190008

37. Peer Ajaz Ahmad Age 46 years
S/o Peer Abdul Aziz
R/o Nowgam, Anantnag District Anantnag
Kashmir
Pin Code 192201

38. Mohd Yaseen Wagay Age 44 years
S/o Ghulam Nabi Wagay
R/o Sarnal Paywan, District Anantnag, Kashmir
Pin Code 192101

39. Modh Altaf Age 51 years
S/o Sh. Habibullah
R/o Kaichrazgeet, District Budgam
(Kashmir) 191111

(By Advocate: Mr. Anil Khajuria)

Versus

- 1. THE UNION TERRITORY OF JAMMU AND KASHMIR,**
Through its Principal Secretary to Government,
Power Development Department,
Civil Secretariat, Jammu
- 2. THE CHIEF ENGINEER,**
Electric Maintenance & Rural Electrification Wing, (KPDCL),
Srinagar (Kashmir).
- 3. THE CHIEF ENGINEER,**
System and Operation Wing, (KPTCL)
Srinagar (Kashmir)
- 4. THE CHIEF ENGINEER,**
Distribution (KPDCL)
Kashmir.

5. THE EXECUTIVE ENGINEER,

Sub Transmission Division-I (KPDCL) Bemina,
Srinagar (Kashmir)

6. THE EXECUTIVE ENGINEER,

Transmission Line Maintenance Division-IV, (KPTCL)
Pampore, Srinagar (Kashmir)

7. THE MANAGING DIRECTOR

KPDCL (Kashmir Power Distribution Corporation Ltd),
Srinagar, Kashmir.

8. THE MANAGING DIRECTOR

KPTCL (Kashmir Power Transmission Corporation Ltd),
Srinagar, Kashmir.

9. THE EXECUTIVE ENGINEER,

EM&RE Division, (KPDCL) Anantnag
Srinagar

10. THE EXECUTIVE ENGINEER,

Sub Transmission Division (KPDCL), Bijbehara
Anantnag, Srinagar (Kashmir).

11. THE EXECUTIVE ENGINEER,

Central Workshop Division Pampore,
Srinagar, (Kashmir).

12. THE EXECUTIVE ENGINEER,

Sub Transmission Division, (KPTCL) Sopore
Srinagar (Kashmir).

13. THE EXECUTIVE ENGINEER,

Electric, Maintenance & Rural Electrification Division-II, (KPDCL)
Rajbagh, Srinagar (Kashmir).

14. THE EXECUTIVE ENGINEER,

Sub Transmission Division-II, (KPDCL)
Rajbagh, Srinagar, Kashmir

15. THE EXECUTIVE ENGINEER,

Electric (EM&RE) Division, (KPDCL) Handwara
Srinagar (Kashmir)

16. THE EXECUTIVE ENGINEER,

TLMD Division-II, (KPTCL) Pampore
Srinagar, Kashmir.

17. THE EXECUTIVE ENGINEER,

TLMD Division-VI, (KPTCL) Bemina
Srinagar, Kashmir

RESPONDENTS

(By Advocate: Mr. Rajesh Thapa, DAG)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Sunil Moza, son of Sh. Hira Lal Moza, resident of H.No.C-10/2, Lane No.2, Extension Anand Nagar, Bohri, District Jammu and 38 other applicants have filed this OA on 22.07.2020, 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, SBA, Electricians, Telephone Operators, Fitters, Mechanical and Turbine Operator in light of J&K High Court order dated 29.07.2013 in LPA No. 58/2013 (**State of J&K vs. Joginder**

Singh & Ors.) and Apex Court order dated 10.01.2018 dismissing SLPs No. 23074-75/2014 (**State of J&K & Ors. Vs. Javeed Ahmed Khan & Ors.** challenging the High Court orders with clubbed matters).

2. MA No.61/209/2020 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 as Technician – III in PDD Department in different divisions/sub divisions of Jammu district and designated as Line Erectors, SB Attendants, Electricians, Telephone Operators, Fitters etc. and that their services are governed by Jammu and Kashmir Power Development (Subordinate) Service Recruitment Rules, 1981;
 - (ii) the controversy involved in the present case has been settled by the Jammu & Kashmir High Court order dated 29.07.2013 in LPA No.58/2013 and Apex Court order dated 10.01.2018 dismissing SLPs No. 23074-75/2014;
 - (iii) in view of the High Court order in case of State of J&K Vs. Joginder Singh & others dated 29.07.2013, the respondents have

subsequently granted the pre-revised pay scale of Rs.220-430 to the petitioners therein;

(iv) they are also similarly situated with the petitioners in the above High Court order, hence are also entitled for grant of pre-revised pay scale of Rs.220-430 from the date of their initial appointment as the posts on which they joined service are equivalent to those which carry pay scale of Rs.220-430 (Pre-revised) under Schedule I of J&K PDD Subordinate Service Recruitment Rules 1981;

(v) since the respondents have granted the pre-revised pay scale of Rs.220-430 to similarly placed other employees of the respondent corporation, they have submitted many representations dated 25.05.2020, 20.06.2018 and also served a legal notice dated 13.09.2019 upon the respondents but even then their grievance has not been redressed; and

(vi) in other OAs, such as OA No. 61/83/2020 (Brij Raj Singh Vs. UT of J&K), OA No. 61/147/2020 filed by similarly placed other employees of the respondent corporation, this Tribunal had directed the respondents to consider and decide the case of the applicants therein. Therefore, the applicants herein also seek

similar direction to the respondents to consider their case.

Respondents' counsel has no objection to such disposal of the OA.

4. In view of the above submissions, and the fact that several OAs filed by other similarly situated employees of the respondent corporation have been disposed of by this Tribunal, directing the respondents to consider the cases of the applicants therein, this OA is also disposed of at admission stage itself, with direction to the respondents to treat a copy of this OA as a representation of the applicants, consider 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

/lg/