

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.061/363/2020

M.A. No.061/212/2020

Tuesday, this the 11th day of August, 2020

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

1. **GULSHAN SINGH** Age 33 years
S/O Sh. Raghunath Singh
R/O H.No-169, Shanti Nagar,
(Toph) Near Ram Sharnam Ashram.
Tehsil & District Jammu
Mobile No. 9797367822
PIN Code 181121.
2. **MUKESH KUMAR VERMA** Age 31 years
S/O Sh. Kuldeep Raj
R/O Village Gurha Manhasan,
Pargwal. Tehsil Akhnoor, District Jammu.
Mobile No. 9622340560
PIN Code 181202
3. **BICKY SHARMA** Age 30 years
S/O Sh. Manohar Lal
R/O Dhok Khalsa, Tehsil Akhnoor, District
Jammu.
Mobile No. 8492873646.
PIN Code 181202
4. **MOHINDER KUMAR** Age 33 years
S/O Sh. Sham Lal
R/O Lale Da Bagh Muthi ,District Jammu.
Mobile No. 7889629509.
PIN Code 181205
5. **VIPAN** Age 37 years
S/O Sh.Suresh Salgotra

R/O H.NO.109/1 Rajpura, Tehsil & District
Jammu.
Mobile No. 9796229746
PIN Code 180001

6. **RAVI KUMAR** Age 44 years
S/O Sh.Charan Dass
R/O H.NO. 251/10, Kabir Nagar,
Poonch House Talab Tillo, District Jammu.
Mobile No. 9858220660.
PIN Code 180002
7. **GURJEET SINGH** Age 32 years
S/O Sh. Jaspal Singh
R/o Basti Govindpura,
Basti Simbal, Morh, District Jammu.
Mobile No. 9622232355.
PIN Code 181104
8. **RAVINDER SINGH RAINA** Age 44 years
S/O Sh.Mohan Singh
R/O H.No. 107, FRIENDS Enclave,
Jeevan Nagar, District Jammu.
Mobile No. 9086052791
PIN Code 180010
9. **ISHWER DIYAL** Age 39 years
S/O Sh. Mulkh Raj
R/O Chack Slam, P/O Dablehar,
Tehsil R.S Pura, District Jammu
Mobile No. 7298049175
PIN Code 181111
10. **TARVINDER SINGH** Age 36 years
S/O Bhagwan Singh
R/O Kotli Rayian P/O Mangowali
Tehsil Suchetgarh, District Jammu.
Mobile No. 8803516934
PIN Code 181111.
11. **NISHANT KUMAR** Age 35 years
S/O Sh. Pardeep kumar
R/O H.NO. 449, Lane No. 9 ,
Hazuri Bagh, Talab Tillo, Bohri, Jammu.
Mobile No. 9419225545

PIN Code 180002

12. **SAHIL GUPTA** Age 30 years
S/O Sh.Jagdish Raj Gupta
R/O W.NO.51, Sector-3
Channi Himmat, Private Lane, District Jammu.
Mobile No. 9797307916
PIN Code 180015
13. **LEKH RAJ** Age 36 years
S/O Sh. Dharam Chand
R/O Chak Jaralan, Palli Morh,
P/O Kanhal, Tehsil Bishnah, District Jammu.
Mobile No. 94198-62540
PIN Code 181132
14. **PRINCY KOUL** Age 38 years
D/O Sh. Soom Nath Koul
R/O H.NO. 250.A, Sector.2
Mandir Lane Durga Nagar, District Jammu.
Mobile No. 9419901717
PIN Code 180013
15. **RASVINDER KOUR** Age 37 years
W/o Sh. Varinder Singh
R/O 451, Narwal Pain, Satwari Dsitric Jammu.
Mobile No. 7889759106.
PIN Code 180003
16. **PRANAV SHARMA** Age 20 years
S/O Sh. Rakesh Kumar Sharma
R/O 1034 .E.P Lower Mast Garh, Dsitric Jammu.
Mobile No. 9596863657.
PIN Code 180001
17. **SHUBAM SHARMA** Age 27 years
S/O Sh. Shrikant Sharma
R/O 11/F Extension Karan Nagar, District Jammu.
Mobile No. 9469068500.
PIN Code 180005
18. **JATIN KUMAR** Age 26 years
S/O Ramesh Kumar
R/O H.NO.92, Wazarat Road, District Jammu.
Mobile no. 9419894559.

PIN Code 180001

19. **MAHARAJ KRISHAN WALI** Age 56 years
S/O Sh. Mohan Lal Wali
R/O H.NO. 1 Lane-No. 3,
Ajeet Colony Camp Gole Gujral, District Jammu.
Mobile No. 9469746352.
PIN Code 180002
20. **RAM PAUL** Age 45 years
S/O Sh. Tara Chand
R/O Tanda, Bari-Brahamna , District Samba
(Old Jammu)
Mobile No. 9797626340
PIN Code 181133
21. **MANOJ KUMAR** Age 32 years
S/O Sh. Ram Lal
R/O Laswara , Post office Deoli Tehsil Bishnah,
District Jammu.
Mobile No. 9697321891
PIN Code 181132
22. **SUNIL SHARMA** Age 43 years
S/O Sh. Bachitar Ram
R/O H.NO.379-C, Jeevan Nagar, Digiana, District
Jammu
Mobile No.9858035479
PIN Code 180010
23. **PAWAN KUMAR** Age 46 years
S/O Sh. Hans Raj
R/O Chakrohi, Tehsil Suchetgarh,
District Jammu.
Mobile No. 7298199085.
PIN Code 181113
24. **GURMEET SINGH** Age 31 years
S/O Sh. Girdhari Lal
R/O Village Shahpur, Toknawali,
Tehsil R.S Pura , District Jammu.
Mobile No. 9622074690
PIN Code 181102.
25. **SHAMSHER LAL** Age 44 years

S/O Sh. Kura Ram
R/O Village Jangwal P/O Arnia,
Tehsil Suchetgarh, District Jammu.
Mobile No. 9858637464.
PIN Code 181131

26. **SUNIL KUMAR** Age 31 years
S/O Sh. Rattan Lal
R/O Village Langer P/O Gangyal , District Jammu
Mobile No. 9796015030
PIN Code 180010
27. **ANKUSH SHARMA** Age 35 years
S/O Ram Paul Sharma
R/O Pouni Chack P/O Akalpur, District Jammu
Mobile No. 9858236772
PIN Code 180002
28. **KULDEEP KUMAR** Age 32 years
S/O Kamal Lal
R/O Villlage Sarora P/O Akalpur,
Tehsil & District Jammu (180002).
Mobile NO. 9796064621.
29. **ROHIT** Age 37 years
S/o Sh. Gandharb Singh
R/o Parwah, Post Office Sangrampur,
District Jammu
Mobile No. 9469550583
PIN Code 180002
30. **SURJEET KUMAR** Age 39 years
S/o Sh. Mohinder Kumar
R/o Preet Nagar, Digiana
District Jammu
Mobile No. 9858178854
PIN Code 180010
- Applicants

(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,
(JPDCL) Jammu.
- 3. THE CHIEF ENGINEER,**
System and Operation Wing,
(JPTCL) Gladni, Narwal, Jammu
- 4. THE CHIEF ENGINEER,**
Distribution (JKPDCL)
Canal Road, Jammu
- 5. THE EXECUTIVE ENGINEER,**
Electric, Maintenance and Rural Electrification
Division-III,
(JPDCL), Rehari, Jammu
- 6. THE EXECUTIVE ENGINEER,**
Transmission Line Maintenance Division-VIII,
(JPTCL), Jammu
- 7. THE EXECUTIVE ENGINEER,**
Sub Transmission Division-I,
(JPDCL),Jammu.
- 8. THE EXECUTIVE ENGINEER,**
Electric, Maintenance and Rural Electrification
Division-I,
(JPDCL), Parade, Jammu.
- 9. THE EXECUTIVE ENGINEER,**
Transmission Line Maintenance Division-IV,
(JPTCL) Panama Chowk, Jammu.
- 10. THE EXECUTIVE ENGINEER,**
Electric, Maintenance and Rural Electrification
Division-II,

(JPDCL), Gandhi Nagar, Jammu.

11. **THE EXECUTIVE ENGINEER,**
Information Technology And Communication (IT&C)
Division
(JPDCL), Panama Chowk, Jammu.
12. **THE EXECUTIVE ENGINEER,**
Sub Transmission Division-II,
(JPDCL) Panama Chowk Jammu.
13. **THE EXECUTIVE ENGINEER,**
Transmission Line Maintenance Division-II,
(JPTCL) Gladni, Jammu
14. **THE EXECUTIVE ENGINEER,**
Transmission Line Maintenance Division-V,
(JPTCL) Panama Chowk, Jammu - Respondents

(By Advocate: Mr. Sudesh Magotra, DAG)

ORDER (ORAL)

Dr. Bhagwan Sahai, Member (A):

Gulshan Singh, son of Sh. Raghubir Singh, resident of H.No.169, Shanti Nagar (Toph) near Ram Sharnam Ashram, Tehsil & District Jammu, and 29 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.61/212/2020 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

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