

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.061/335/2020

M.A. No.061/191/2020

Tuesday, this the 11th day of August, 2020

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

1. Lehar Singh Age 46 years
S/o Late Sh. Behim Sen
R/o Village Bijarni, Tehsil & district Doda
A/P Grid Colony District Udhampur
Pin Code 182202
2. Gajinder Singh Age 46 years
S/o Late Balkrishan Kotwal
R/o Khakhel Mohalla Bhaderwah
Grid Colony District udhampur
Pin Code 182222
3. Vijary Kumar Kotwal Age 39 years
S/o Shri Rajinder Parshad
R/o Haveli Mohalla Nagar Bhaderwah (182222)
A/P Housing Colony LIG-27 Phase -I
District Udhampur
Pin Code 182101
4. Kuldeep Kumar Age 47 years
S/o Sh. Satish Chander
R/o Nagar, Seri Bazaar Bustand
Bhaderwah A/P Ward No. 20 Railway Road
Jawahar Nagar District Udhampur
Pin Code 182101
5. Shiv Kumar Kotwal Age 49 years
S/o Des Raj Kotwal
R/o Mohalla Khakhel Bhaderwah
Tehsil and district Bhderwah
Pin Code 182222

6. Subash Chander Age 50 years
S/o Sh. Madhu Lal
R/o Village Kondra A/P Village Pandku Bhaderwah
Pin Code 182222
7. Ashaq Hussain Wani Age 48 years
S/o Sh. Raj Mohd Wani
R/o Buttla Tehsil and District Bhaderwah
Pin Code 182222
8. Tariq Hussain Mehta Age 53 years
S/o Atta Ullah Mehta
R/o Udrana Tehsil Bhaderwah
District Doda
Pin Code 182221
9. Ajaz Ahmed Batt Age 54 years
S/o Mohd. Ramzan Batt
R/o Bhaderwah District Doda
Pin Code 182202
10. Sanjay Kumar Age 46 years
S/o Sh. Hari Krishan
R/o Village Kawani, BPO Malotha
Tehsil Bhella & District Bhaderwah
Pin Code 182201
11. Mohd. Rafi Vachku Age 49 years
S/o Dost Mohd. Vachku
R/o Gawari Gatha, Tehsil Bhaderwah
District Doda A/P Dandi Post Office Udrana,
Bhaderwah
Pin Code 182222
12. Arun Kumar Age 45 years
S/o Sh. Madan Lal
R/o Ward No. 2 Dhar Road
District Udhampur
Pin Code 182101
13. Shamshir Ahmad Age 49 years
S/o Sh. Bashir Ahmed
R/o Latti Tehsil Chenani
District Udhampur
Pin Code 182128

- 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,

EM&RE, (JKPDCL) Udhampur

6. THE EXECUTIVE ENGINEER,

Transmission Line Maintenance Division-III,
(JPTCL) Udhampur.

7. THE EXECUTIVE ENGINEER,

(JPDCL) Sub Transmission Division, Udhampur.

8. THE EXECUTIVE ENGINEER,

Electric Maintenance & Rural Electrification, Division,
(JPDCL) Doda

9. THE EXECUTIVE ENGINEER,

Sub Transmission Division, (JPDCL)
Doda
Respondents

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(By Advocate: Mr. Sudesh Magotra, DAG)

O R D E R (O R A L)

Dr. Bhagwan Sahai, Member (A):

Lehar Singh, son of late Sh. Behim Sen, resident of Village Bijarni, Tehsil & District Doda, A/P Grid Colony, District Uthampur, and 12 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.61/191/2020 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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