

CENTRAL ADMINISTRATIVE TRIBUNAL

JAMMU BENCH JAMMU

Dated: This 11th day of August, 2020

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

HON'BLE MR. PRADEEP KUMAR, MEMBER - A

O.A. No. 061/371/2020

M.A. No. 216/20

1. Azhar Bashir Age 48 years S/o Bashir Ahmed Mir R/o Poshana Tehsil Surankote District Poonch
2. Shiraz Ahmed Dar Age 45 years S/o Mohd. Shafi Dar R/o Poshana Tehsil Surankot District Poonch
3. Tariq Hussain Age 36 years S/o Barkat Hussain R/o Sanai Tehsil Surankot District Poonch
4. Mushtaq Ahmed Age 40 years S/o Faiz Mohd. R/o Kalar Kattal Tehsil Surankot District Poonch
5. Zaffer Iqbal Age 36 years S/o Latief Hussain R/o Planger Tehsil Thanamandi District Rajouri
6. Jamil Singh Age 51 years S/o Sh. Kirpal Singh R/o VPO Kharole Tehsil & District Kathua
7. Sanjeev Kumar Age 46 years S/o Dev Raj R/o Village Harsath P.O. & Tehsil Ghagwal District Samba
8. Sanjay Kumar Age 50 years S/o Sh. Raj Kumar Sharma R/o Village Harsath P.O. & Tehsil Ghagwal District Samba
9. Devinder Kumar Age 49 years S/o Bihari Lal R/o Dahok Khalsa Tehsil Jourian District Jammu
10. Vijay Kumar Age 49 years S/o Babu Ram R/o H. No. 149-A, Sector-1, Gangyal, Jammu
11. Kamal Singh Age 48 years S/o Late Kashmir Singh R/o Dab Ditta P.O. Kana Chack Tehsil Marh District Jammu

..... Applicants

By Advocate: Ashwani Sharma

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 JPDCL, Jammu
4. Executive Engineer EM&RE Division, Poonch
5. Executive Engineer, STD-I JPDCL, Jammu
6. Executive Engineer, M&RE-II, Green Belt,
Jammu

.....Respondents

By Advocate: Shri. Amit Gupta, AAG for Respondents

ORDER

Raksh Sagar Jain Member (J)

1. M.A. No.061/216/2020

M.A. seeking joining together of the applicants in a single petition is allowed.

2. O.A. No.061/371/2020

Mr. Balram Singh Jamwal s/o Mr. Kamal Singh Jamwal and eleven other applicants have jointly filed this O.A. under Section 19 of Administrative Tribunals Act, 1985, seeking direction to the respondents to grant them pre-revised pay scale of Rs.220-430, with all pay revisions from time to time, after their appointment as Technician-III and adjustment as Line Erectors and other equivalent posts, i.e., Electricians, Telephone Operators, Switch Board Attendant

(SBA), Fitters, with all consequential benefits, in view of J & K High Court decision dated 29.07.2013 in LPA No.58/2013 along with clubbed matters.

3. We have perused the contents of the O.A. and heard today Mr. Ravinder Kumar, applicants' counsel and Mr. Amit Gupta, AAG for respondents.

4. The applicants in this O.A. contend that:

(i) they were appointed as Line Erectors, Telephone Operators, SBA, C/Jointer, etc. and have been working as Technician-III in PDD Department in different divisions of Jammu. Many other petitioners filed Writ Petitions in J & K High Court for releasing pay scale of Rs.220-430 (pre-revised) and Rs.4000-6000 (revised), in which the respondents were directed to place the petitioners therein in the revised pay scale of Rs.4000-6000. The decision of Single Bench of J & K High Court was upheld by a Division Bench. SLP Nos. 23074-23075/2014 filed in Hon'ble Supreme Court challenging the J & K High Court decision was dismissed on 10.01.2018. Thereafter, the respondents granted to the petitioners therein the pay scale of Rs.220-430 (pre-revised) in terms of the High Court order; and

(ii) the applicants, being similarly placed with those for whom the pay scales have been granted, submitted a

representation dated 12.03.2020 to consider their cases in terms of order dated 29.07.2013 in LPA SW No.58/2013 but it has not yet been decided.

5. In addition to hearing both the counsels, we have perused the case record.

6. The applicants' counsel submits that the applicants would be satisfied if the present O.A. is disposed of at this stage, with direction to the respondents to grant the pay scale to them as per aforesaid J & K High Court order. Learned AAG seeks adjournment to file counter affidavit.

7. However, the O.A. is disposed of at the admission stage itself, with direction to respondent No.3 (Chief Engineer, J & K Power Development Corporation Ltd., Jammu) to decide the pending representation of the applicants dated 12.03.2020, within four weeks from the date of receipt of a copy of this order, by passing a well-reasoned and speaking order for grant of pay scale of Rs.220-430 (pre-revised) to them as per provisions of relevant Rules and the case law relied upon. While taking a decision, the respondents shall also consider the question of delay viz-a-viz stale and dead claim as per the law laid down by the Hon'ble Supreme Court of India in a number of cases. No costs.

(Mr. Pradeep Kumar)
Member (A)
ND*

(Rakesh Sagar Jain)
Member(J)

