

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**JAMMU BENCH JAMMU**

**Dated: This 11<sup>th</sup> day of August, 2020**

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

**HON'BLE MR. PRADEEP KUMAR, MEMBER - A**

**O.A. No. 061/372/2020**

**M.A. No. 217/20**

1. Vaseem Ahmed Jan Age 42 years S/o Mohd. Ramzan Dar R/o Rahpora Khudwani Kulgam
2. Riaz Mohammad Allia Age 45 years S/o Mohd. Rafiq Allia R/o Sofigund Wanpoh Anantang
3. Mushtaq Ahmed Parray Age 45 years S/o Mohd. Shaban Parray R/o Kamad Anantnag
4. Nazir Ahmad Bhat Age 45 years S/o Gh. Mohi Din Bhat R/o Fathpora Gund Anantnag
5. Taufeeq Ahmad Bhat Age 39 years S/o Mohd. Yousuf Bhat R/o Bugam Kulgam
6. Imtiyaz Ahmad Baba Age 39 years S/o Gh. Ahmad Baba R/o Arigutnoo Kulgam
7. Jan Mohd. Malik Age 39 years S/o Gh. Qadir Malik R/o Khull D. H. Pora
8. Irshad Ahmad Kuchay Age 40 years S/o Mohd. Ramzan Kuchay R/o Hangir Yaripora
9. Prince Shahnawaz Ahmad Age 39 years S/o Gh. Nabi Shah R/o Srandoo Kulgam

10. Suhail Ahmad Sheikh Age 36 years S/o Gulzar Ahmad Sheikh R/o Tarigam Kulgam
11. Ali Mohd. Magray Age 56 years S/o Ab. Gani Magray R/o Adura Kulgam
12. Mohd. Iqbal Ganie Age 49 years S/o Ab. Khaliq Ganie R/o Kandipora Kulgam
13. Gh. Mohd. Parray Age 50 years S/o Ali Mohd. Parray R/o Chansar Kulgam
14. Bashir Ahmad Mir Age 52 years S/o Ab. Ahad Mir R/o Turigam Behibagh Kulgam
15. Mansoor Ahmed Ahangar Age 48 year S/o Gh. Hassan Ahanger R/o Pahloo Kulgam
16. Mohd. Amin Ganie Age 54 years S/o Gh. Mohd. Ganie R/o Check Ash Muji
17. Mohd. Amin Mir Age 43 years S/o Ab. Salam Mir R/o Panzth Wampora
18. Mohd. Hussain Mir Age 45 years S/o Sonauallah Mir R/o YK Pora Kulgam
19. Riaz Ahmad Zargar Age 37 years S/o Gh. Nabi Zargar R/o Kilam Kulgam
20. Rameez Ahmad Mir Age 30 years S/o Mohd. Amin Mir R/o Churath
21. Nazir Ahmad Wani Age 47 years S/o Gh. Rasool Wani R/o Damhal Khashipora Anantnag
22. Nazir Ahmad Lone Age 49 years S/o Ali Mohd. Lone R/o Chichen Anantnag
23. Irshad Ahmad Parray Age 45 years S/o Gh. Mohd. Parray R/o Kamad Anantnag
24. Nazir Ahmad Sheikh Age 55 years S/o Gh. Qadir Sheikh R/o Narpora Watnard Kulgam
25. Zahoor Ahmad Shah Age 46 years S/o Noor Din Shah R/o Hassanpora Taweela Anantnag
26. Gh. Mohi-u-Din Dar Age 54 years S/o

- Gh. Qadir Dar R/o Nagum Kokernag
27. Shabir Ahmad Lone Age 46 years S/o  
Ab. Majid Lone R/o Kund Kulgam
28. Manzoor Ahmad Kumar Age 32 years  
S/o Gh. Hassan Kumar R/o Redwani  
Kulgam
29. Mohd. Hussain Naik Age 32 years S/o  
Bashir Ahmad Naik R/o Bhan Kulgam
30. Mohd. Saleem Dar Age 45 years S/o  
Ab. Rehman Dar R/o Sopar Kulgam
31. Jahangeer Ahmad Dar Age 51 years  
S/o Gh. Nabi Dar R/o Dadipora Kulgam
32. Mohd. Yaqoob Bhat Age 42 years S/o  
Mohd. Yousuf Bhat R/o Tarigam  
Kulgam
33. Ab. Qayoom Khan Age 57 years S/o  
Gulla Khan R/o Kund Kulgam
34. Abid Hussain Naik Age 33 years S/o  
Bashir Ahmad Nai R/o Chadar Kulgam
35. Aslam Maroof Kutay Age 44 years S/o  
Ab. Qayoom Kuttay R/o Manzgam DH  
Pora
36. Mohd. Abass Wani Age 48 years S/o  
Gh. Mohd. Wani R/o Chowgam Kulgam
37. Gh. Qadir Wani Age 48 years S/o Ab.  
Rehman Wani R/o Khull DH Pora  
Kulgam
38. Gh. Rasool Wani Age 48 years S/o Gh.  
Mohidin Wani R/o Seepan Anantnag
39. Farooq Ahmad Malik Age 39 years S/o  
Gh. Hassan Malik R/o Beebrada  
Yaripora
40. Ab. Haq Khan Age 54 years S/o Ab.  
Aziz Khan R/o Bijbehara Anantnag
41. Mohd. Ayoub Rather Age 52 years S/o  
Ab. Ahad Rather R/o Bucho Tral  
Pulwama
42. Mujahid Arshid Atta Ullah Age 49 years  
S/o Gh. Hassan Wani R/o Arwani  
Bijbehara Anantnag
43. Fayaz Ahmad Dand Age 49 years S/o

- Mohd. Yousuf Dand R/o Bijbehara Anantnag
44. Altaf Hussain Shah Age 42 years S/o Ab. Rehman Shah R/o Jablipora Bijbehara
45. Hamidullah Rather Age 51 years S/o Gh. Rasool Rather R/o Naina GH Khalil Anantnag
46. Bashir hmed Wani Age 48 years S/o Gh. Mohd. Wani R/o Mokandpora
47. Mohd. Amin Wani Age 58 years S/o Ab. Aziz Wani R/o Chindian Vessu Kulgam
48. Ab. Rehman Bhat Age 53 years S/o Gh. Nabi Bhat R/o Srandoo Kulgam
49. Younis Ahmad Khaki Age 32 years S/o Manzoor Ahmad Khaki R/o Shakhshaz Mohalla Kadipora Anantnag
50. Fozia Ali Age 37 years S/o Ali Mohd. Gurah R/o Hazratbal Payeen Anantnag
51. Tajamul Rashid Wani Age 33 years S/o Ab. Rashid Wani R/o Chee Anantnag
52. Aijaz Ahmad Zargar Age 40 years S/o Mehman Mohalla Anantnag
53. Mushtaq Ahmad Kumar Age 30 years S/o Mohd. Yousuf Kumar R/o Akingam Anantnag
54. Zubair Ahmad Thoker Age 31 years S/o Ab. Majeed Thoker R/o Rohu Anantnag
55. Ajaz Ahmad Shah Age 40 years S/o Mohd. Ismail Shah R/o Hugam Srigufwara Anantnag
56. Asif Mohi-ud-Din Naikoo Age 37 years S/o Gh. Mohi-ud-Din Naikoo R/o Ara Khoshipora Anantnag
57. Bilal Ah. Bhat Age 38 years S/o Ali Mohd. Bhat R/o New Qazibagh Anantnag
58. Ab. Rashid Najar Age 52 years S/o Mohd. Abdullah Najar R/o Marhama Anantnag
59. Pervaiz Ahmad Khanday Age 49 years

- S/o Gh Rasool Khanaday R/O Anchidora Anantnag
60. Syed Muzffar Ahmad Age 50 years S/o Syed Nizam ud Din R/O Takia Behra shah Anantnag
61. Farooq Ahmad Wani Age 47 years S/O Late Gh Moha WANI R/O Shahshaib Anantnag
62. Mohd Iqbal Shah Age 49 years S/o Gh Mohd Shah R/O Sarnal
63. Mehraj-u-Din Bhat Age 49 years S/o Gh. Nabi Bhat R/O Anchidora Anantnag
64. Bilal Ahmad Kadoo Age 49 years S/O Gh Qadir R/O chee Anantnag
65. Gh. Jeelani Bhat Age 46 years S/O Ab.Aziz Bhat R/O Bragum Doru
66. Ashaq Hussain Khan Age 51 years S/O Mohd Akram R/O New Colony Bijbehara
67. Shabir Ahmad Badam Age 46 years S/O Gh Nabi R/O Jablipora Bijbehara
68. Gh Nabi Bhat Age 55 years S/O Ab Rehman R/O Adlash Magam
69. Arif Mohd Khan Age 37 years S/O Gh Ahmad R/O Liver Phalgam
70. Azad Ahmad Sheikh Age 55 years S/O Gh Hassan Sheikh R/O Khirum Bijbehara
71. Mohd Yousf Dar Age 57 years S/O Ab Gani Dar R/O Utrassoo Nigjigund
72. Gh Moha Prinoo Age 50 years S/O Mohd Jamal R/O Halsidar Verinag
73. Bashir Ahmad Itoo Age 50 years S/O Ab Gani R/O Gundi hakoora Ang
74. Gh Rasool Wani Age 59 years S/O Asadullah Wani R/O Khirum
75. Mohd Shafi Mir Age 49 years S/O Mohd Abdullah Mir R/O Sirhama Anantnag

76. Arshid Hussain Jeelani Age 48 years  
S/O Mohd Meerak R/O Hassanpora  
Bijbehara
77. Mohd Amin Rather Age 58 years S/O  
Gh Ahmad Rather R/O Mohmoodabad  
Doru
78. Mohd Yousf Wani Age 58 years S/O Gh  
Mohd Wani R/O Hallan Verinag
79. Nazir Ahmad Bhat Age 41 years S/O  
Mohd Ramzan R/O Reshipora  
shopiyan
80. Shaista Rasool Age 46 years D/O  
Gh Rasool Zarger R/o
81. Sheikh Reyaz Ahmad Age 44 years  
S/O Mohd Shaban R/O Khirum
82. Gulzar Ahmad Bhat Age 47 years S/O Ab  
Khalik R/O Simoh Tral
83. Gulzar Ahmad Bhat Age 46 years S/O  
Mohd. Sidiq Bhat R/O Kanganhal  
Anantnag
84. Ab Hamid Dar Age 48 years S/O Ab.  
Rahim Dar R/O Bulbulnagam  
Anantnag
85. Pirzada Ashiq Hussain Makhdoomi Age  
49 years S/O Mohd Yaseen  
Makhdoomi R/O Pehroo Ang
86. Farooq Ahmad Shah Age 48 years S/O  
Gul Modh Shah R/O Doru Anantnag
87. Mohd Yousf Kumar Age 46 years S/O  
Lala Kumar R/O Gundinopora  
Doru
88. Zahoor Ahmad Chadoo Age 46 years  
S/O Ab Hamid R/O Hazratbal Payeen  
Anantnag
89. Gh Mohiudin Sheikh Age 51 years S/O  
Ali Mohd R/O Shirpora Bala Anantnag

New Calo

90. Khurshid Ahmad Dar Age 45 years S/O Gh Hassan R/O Shamsipora
91. Mohd Ashraf Mir Age 52 years S/O Gh Hassan R/O Sadura Anantnag
92. Mushtaq Ahmad Rather Age 48 years S/O Mohd Jabbar R/O Aung Anantnag
93. Nisar Ahmad Kumar Age 52 years S/O Samad Kumar R/O Bidder Kokernag
94. Bashir Ahmad Kumar Age 53 years S/O Gh Mohd R/O Doru Anantnag
95. Imtiyaz Ahmad Darzi Age 46 years S/O Gh Hassan R/O Gulshanabad Anantnag
96. Farooq Ahmad Bhat Age 47 years S/O Ab, khaliq R/O Ashajipora Anantnag
97. Mushtaq Ahmad Hajam Age 51 years S/O Ab Rehman R/O Mattan ANANTNAG
98. Shabir Ahmad Dar Age 50 years S/O Ali Mohd R/O Moniwar Anantnag
99. Gh Mohd Khanday Age 52 years S/o Mohd Jamal R/O Krangsoo Anantnag
100. Ab Majid Dar Age 55 years S/O Gh Rasool Dar R/O Dogripora
101. Nisar Ahmad Khan Age 48 years S/O Ali Mohd R/O Shirpora Balla Anantnag
102. Rajinder Pal Sigh Age 50 years S/O Niranjana Singh R/O Hutmura
103. Tariq Hussain Khaki Age 47 years S/O Mohd Amin Khaki R/O Iqbalabad Pheroo Anantnag
104. Nisar Ahmad Parray Age 53 years S/O AbWahid R/O Kamad Anantnag
105. Shabir Ahmad Bhat Age 53 years S/O Ab Jabar R/O Kamad Aantnag
106. Ab Rasid Najar Age 56 years S/O Gh Nabi R/O Mantopora Anantnag

107. Bilal Ahmad Bangay Age 47 years S/O Mohd Hussain Bangay R/O Bulbulnawgam Anantnag
108. Muzaffar Ahmad Hakeem Age 46 years S/O Gh Mohd R/O Nowgam Shangus
109. Shameem Ahmad Wani Age 51 years S/O Gh Mohd R/O Nowgam Shangus
110. SyedKhaliq u zaman Age 47 years S/O Syed Mohjd Shafi R/O Hassanpora Bijbehra
111. Irsahad Hussain Masli Age 54 years S/O Gh Nabi Masli R/O Naie Basti
112. Zahoor Ahmad Barangaroo Age 50 years S/O Ab Rashid R/O Sadiqabad Anantnag
113. Farooq Ahmad Sofi Age 48 years S/O M ohd Ibrahim R/O Gajnag Kadipora Anantnag
114. Aftab Ahmad Najar Age 47 years S/O Ab Ahad Najar R/O Achabal
115. Sajad Ahmad Rather Age 43 years S/O Mohd Yousf R/O Thajiwara Anantnag
116. Mohd Ashraf Ahangar Age 52 years S/O Ab Rahim R/O Gopalpora
117. Mushtaq Ahmad Bhat Age 53 years S/O Gh Mohd Bhat R/O Cheki Dasen
118. Mehrajudin Khan Age 50 years S/O Ab Raheem Khan R/O Ramgad
119. Gh Mohd Padder Age 53 years S/O Gh Ahmad r/oMirhama Kulgam
120. Shabir Ahmad Lone Age 54 years S/O Gh Qadir R/O Sarnal Payeen Anantnag
121. Gh Mohd Bakhshi Age 48 years S/O Ab Hamid Bakhshi R/O S.K Colony Ananatnag
122. Nazir Ahmad Wani Age 50 years S/O

- Mohd Rajab R/O Nowgam Kuthar
123. Shabir Ahmad Bhat Age 58 years S/O  
Ab Aziz Bhat R/O S.K Colony  
Anantnag
124. Mushtaq Ahmad Bhat Age 51 years  
S/O Khazir Mohd R/O Katrasoo
125. Reyaz Ahmad Bhat Age 50 years S/O  
Gh Nabi Bhat R/O Bulbulnowgam  
Anantnag
126. Manzoor Ahmad Haji Age 50 years S/O Gh  
Rasool R/O Khirum
127. Showket Ahmad Sheikh Age 54 years  
S/O Ab aziz R/O Bijbehara Anantnag
128. Abdul Rasheed Rather Age 51 years  
S/O Gh. Hassan Rather R/o Kamed
129. Nisar Ahmad Najar Age 49 years S/o  
Gh.Nabi Najar R/o Brakpora
130. Vinod Kumar Fothdar Age 46 years S/O  
Awatarkrishan R/O Mattan
131. Jeela Ahmad Bhat Age 48 years S/O Gh  
Rasool Bhat R/O Mattan
132. Khurshid Ahmad Shah Age 50 years S/O  
Gull Mohd R/O Mattan
133. Manzoor Ahmad Najar Age 45 years  
S/o Ali Mohmmad Najar R/o Shangus
134. Bashir Ahmad Bhat Age 57 years S/O Ab  
Aziz Bhat R/O Seepan
135. Nazir Ahmad Padder Age 50 years S/O  
Mohd Maqbool R/O Khandiphari  
Harnag
136. Nazir Ahmad Lone Age 53 years S/o Ab.  
Rahim R/O Vessu
137. Ashaq Hussain Hakeem Age 50 years  
S/O Gh Qadir R/O Kadipora Anantnag
138. Mushtaq Ahmad Khan Age 46 years  
S/O Manzoor Ahmad R/O Sarnal Bala  
Anantnag
139. Mohd Ajaz Wagay Age 53 years S/O

- Gh Rasool R/O Ruhu Anantnag
140. Nazir Ahmad Beig Age 51 years S/O  
Ab Khaliq R/O Khahbazar Anantnag
141. Firdous Ahmad Rather Age 48 years  
S/o Gh. Hassen Rather R/o Anchidora
142. Gh Hassan Wani Age 54 years S/O  
Mohd Yousf R/O Sundoo Achabal
143. Riyaz Ahmad Wani Age 56 years S/O  
Ab Gani R/O Sarnal Bala Anantnag
144. Mohd Hussain Wani Age 55 years S/O  
Gh Nabi R/O Oh paion Anantnag
145. Mohmmad Maqbool Widay Age 47  
years S/o Ali Mohmmad Widy R/o  
Nagam
146. Ab Rehman Bhat Age 50 years S/O Gh  
Mohd Bhat R/O Manigam Kulgam
147. Farooq Ahmad Shah Age 47 years S/O  
Noor Mohd Shah R/O Achabal
148. Mohd.Abdullah Sheikh Age 55 years  
S/O Mohd Ahsan R/O Aho Paion  
Anantnag
149. Reyaz Ahmad Parray Age 57 years S/O  
Assadullah Parray R/O Ugjan Dailgam
150. Muzaffar Ahmad Wani Age 48 years  
S/O Lassajo Wani R/O Nanil Anantnag
151. Zakir Hussain Khanday Age 47 years  
S/O Sonauallah R/O Wandevalgam  
Anantnag
152. Manzoor Ahmad Mir Age 51 years  
S/O Gh Mohi u din R/O Wandevalgam  
Anantnag
153. Farooq Ahmad Ganie Age  
R/o Manigam Vessu  
years S/O Gh Ahmad
154. Manzoor Ahmad Bhat Age 48 years S/o  
Ab. Khaliq Bhat R/o Kamad

155. Mohamad Masood Khaki Age 55 years  
S/O Mohd Syed Khaki R/O Kralyar  
Anantnag
156. Peerzada Mohd Saleem Age 48 years  
S/O Peer Mohd Amin R/O Quazigund
157. Mohammad Hussain Dada Age 52  
years S/O Mohammad Saleem Dada  
R/O New Qazibagh Anantnag
158. Mohd Rafiq Rather Age 42 years S/o  
Habibullah Rather R/o Mataygund  
Dooru
159. Fayaz Ahmad Ganie Age 53 years S/O  
Gh Qadir R/O Brintee Anantnag
160. Gurnam Sing Age 50 years S/o S. Seva  
Sing R/o Matan
161. Ab Rauf Wani Age 44 years S/O Abdul  
Rashid R/O Chee Anantnag
162. Subzar Ahmad Bhat Age 48 years S/o  
Bashir Ahmad Bhat R/o Dialgam
163. Gh Mohd Bhat Age 45 years S/O Abdul  
Ahad Bhat R/O Dirhama
164. Mohd Amin Gatoo Age 53 years S/O  
Mohd Maqbool R/O Bijbehara
165. Mushtaq Ahmad Wani Age 51 years  
S/O Gh Mohd Wani R/O Zalangam  
Kokernag
166. Sheikh Abid Hussain Age 50 years S/O  
Gh Hassan Sheikh R/O Anchidora  
Anantnag
167. Nazir Ahmad Gatoo Age 51 years S/O  
Gh Mohd Gatoo R/O Bijbehara
168. Hamidur-ur-Rouf Gani Age 30 years S/o Ab.  
Raheem Gani R/o
169. Gh Mohi -ud-din Bhat Age 44 years S/O  
Gh Qadir R/O Krangsoo Anantnag
170. Bashir Ahmad Khanday Age 52 years  
S/O Ab Razak Khanday R/O Momul

Pehalgam

171. Gh.Rasool Naikoo Age 58 years S/O  
Ab Khaliq Naikoo R/O Aishmuqam
172. Mohd. Yaseen Hakum Age 45 years  
S/o Gh. Mohd. Hakum R/o Nowgam  
.....Applicants

**Versus**

1. The State of Jammu & Kashmir  
Through Principal Secretary to Government,  
Power Development Department,  
Jammu & Kashmir, Civil Secretariat, Jammu
2. The Managing Director  
JKPDL, Civil Secretariat, Srinagar
3. The Chief Engineer (Distribution)  
Kashmir, KPDCL, Jahangir Chowk Srinagar
4. Executive Engineer, STD, Bijbehara.
5. Executive Engineer, ED, Anantnag
6. Executive Engineer, ED, Bijbehara
7. Executive Egnineer, ED, Kulgam

.....Respondents

**By Advocate: Shri. Amit Gupta, AAG for Respondents**

**O R D E R**

**Raksh Sagar Jain Member (J)**

1. M.A. No.061/217/2020

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

2. O.A. No.061/372/2020

Mr. Vaseem Ahmed Jan s/o Mr. Mohd. Ramzan Dar and 171 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 29.06.2020 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 29.06.2020, 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)**

**(Rakesh Sagar Jain)**  
**Member(J)**

**ND\***