

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. 061/373/2020

M.A. No. 218/20

1. Prince Bhalla Age 29 years S/o Suraj Singh R/o Kotranka Tehsil Kotranka District Rajouri
2. Waseel Ahmed Age 48 years S/o Bashir Ahmed R/o Darhal Dodaj District Rajouri
3. Zakir Hussain Age 52 years S/o Mohd. Abdullah R/o Thanamang Tehsil Darhal District Rajouri
4. Kulbir Singh Age 47 years S/o Teja Singh R/o Godhar Tehsil & District Rajouri
5. Arif Iqbal Age 58 years S/o Mohd. Yousif R/o Dodason Bala Tehsil Thanamandi District Rajouri
6. Mohd. Akram Age 52 years S/o Ghulam Hussain R/o Rehtal District Rajouri
7. Mohd. Hussain Age 41 years S/o Faiz Hussain R/o Kothra Darhal Tehsil Darhal Distt. Rajouri
8. Irshad Hussain Age 41 years S/o Abdul Husain R/o Fatehpur Tehsil & District Rajouri
9. Abdul Majid Age 47 years S/o Late Issmail R/o Katar Mal Tehsil Manjakote District Rajouri
10. Sham Lal Age 50 years S/o Sardari Lal R/o Village Treru Tehsil Kalakote District Rajouri
11. Javaid Iqbal Age 53 years S/o Abdul Sattar Lone R/o W. No. 8 Tehsil & District Rajouri
12. Abdul Qadeer Age 46 years S/o Mohd. Azam R/o Bada Kana Tehsil Thanamandi District Rajouri
13. Paras Ram Age 59 years S/o Badri Nath R/o Draj Tehsil Koteranka Tehsil Rajouri
14. Mohd. Saleem Khan Age 55 years S/o Mohd. Akbar R/o Potha Tehsil Surankote District Poonch
15. Mohd. Bashir Age 50 years S/o Mir Hussain R/o Chowdhary Nar Tehsil & District Rajouri.
16. Ayodhya Kumar Age 48 years S/o Sh. Mohan Lal R/o Village Lamberi Tehsil Nowshera District Rajouri
17. Ram Bhaja Age 50 years S/o Waryam Chand R/o Dubber Potha Tehsil Nowshera District Rajouri
18. Malik Singh Age 47 years S/o Sh. Surjeet Singh R/o Village Rajpur Kamila Tehsil Qila Darhal District Rajouri
19. Satvinder Singh Age 35 years S/o Mohinder Singh R/o Village Rajpur Kamila Tehsil Qila Darhal District Rajouri
20. Pawan Kumar Age 48 years S/o Jagan Nath R/o Village Bagnoti Tehsil Nowshera District Rajouri

..... 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 Managing Director, JKPTCL Jammu.
4. The Chief Engineer, JPDCL Jammu.
5. The Chief Engineer, JKPTCL Jammu.
6. Executive Engineer, JPDCL, Rajouri
7. Executive Engineer, STD-IV, JPDCL,
Kalakote Rajouri
8. Executive Engineer, TLMD-8
9. Executive Engineer, EM&RE, Poonch

.....**Respondents**

By Advocate: Shri. Amit Gupta, AAG for Respondents

ORDER

Raksh Sagar Jain Member (J)

1. M.A. No.061/218/2020

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

2. O.A. No.061/373/2020

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 11.03.2020 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 11.03.2020, 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)

