

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/59/2021

This the 19th day of January, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

1. Nimpu Bhat Age 46 years W/o Sh.Sanjay Koul
2. Ranoo Bhat Age 48 years W/o Sh.Naresh Koul
R/o H.No.119, Sector=B, Garden Avenue, Talab Tillo, Jammu.

.....Applicant

(Advocate: Mohd.Shaqir Hussain)

Versus

1. Union Territory of J&K through Commissioner Secretary, Public Works Department (R&B) Civil Secretariat, Srinagar/Jammu Pin-180001.
2. Commissioner Secretary, Finance Department, Civil Secretariat, Srinagar/Jammu Pin-180001.

.....Respondents

(Advocate: Mr. Amit Gupta, AAG)

ORDER
[O R A L]

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The applicants herein are aggrieved by the in-action of the respondents in not giving him the same benefit as has been given to the petitioners of SWP No.2047/2003 and other connected cases.



2. The relevant portion of the order dated 21.11.2008 passed in SWP No. 2047 of 2003 and other connected cases is reproduced below:-



“ For what has been stated hereinabove, it is manifest that once the State Government has complied the direction of the court in various judgments, where similar question was raised, the petitioners also claimed that they are also entitled to the same benefits. Even though the State Government has granted this benefits to the similarly situated persons without amending the aforesaid SRO. But it has to be assumed in law and by implication that this power has been exercised by the State Government by relaxing this condition in the SRO. To put it straight, the State Government after relaxing the aforesaid condition, have permitted the persons to be appointed directly in higher grade and not in the lower grade at the entry level. The same power is also required to be exercised by the State in the present writ petition.

I, therefore, direct the respondents to pass appropriate orders placing the petitioners in higher grade initially from the date of their appointments as Draftsman instead of lower grade to which they have been appointed and consequently they be also given all the consequential benefits. This exercise be completed within a period of three months from the date copy of this order is received by the respondent.

3. Learned counsel for the applicant submits that the instant O.A. may be disposed of in the light of the aforesaid judgment of the Hon'ble High Court.
4. Accordingly, the O.A. is disposed of with direction to the respondents to consider the claim of the applicants and determine his eligibility in terms of judgment dated 21.11.2008 rendered by the Hon'ble High Court in SWP No.2047 of 2003 and other connected cases. In case, the applicants are found to be similarly situated as per the petitioners in the aforesaid case, the

respondents shall take appropriate decision in this regard within a period of six weeks from the date of receipt of certified copy of this order.



5. It is made clear that we have not entered into the merits of the case.
6. There shall be no order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Ak/-