

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.061/436/2020

M.A. No.061/330/2020

Friday, this the 14th day of August, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)

1. **BASHIR AHMAD GANAI** Age 47 years
S/o Sh. AB Rashid Ganai
R/o Seer Jagir Sopore, Tehsil Sopore
District Baramulla
PIN Code 193201
Mobile No. 90187820307
2. **NAZIR AHMAD SOFI** Age 49 years
S/o Ab. Rashid Sofi
R/o Doabagh , Sopore District
Baramulla
PIN Code 193201
3. **MUBASHIR HASSAN BHAT** Age 48 years
S/o Sh. Gh Hassan Bhat
R/o Baramulla, District
Baramulla
PIN Code 193101
4. **ASHIQ HUSSAIN** Dar Age 47
S/o Late Mohd Subhan Dar
R/o Doabagh Sopore, District
Baramulla
PIN Code 193201
5. **AB MAJID DAR** Age 47 years
S/o Sh. Mohd Ismaiel Dar
R/o Seelo Sopore, Baramulla
District Baramulla.
PIN Code 193201

6. **BILALA RAHMAN** Age 53 years
S/o Sh. Rahmatulla Khan
R/o Jalalabad Sopore, District
Baramulla
PIN Code 193201
7. **RASHID REHMAN** Age 44 years
S/o Ab. Rahman Khuroo
R/o Doabagh Sopore, District
Baramulla
PIN Code 193201
8. **NAZIR AHMAD GOJREE** Age 50 years
S/o Sh. Mohd Subhan
R/o Khanpora, Baramulla, District
Baramulla
PIN Code 193101
9. **FAROOQ AHMAD SOFI** Age 52 years
S/o Ab Rashid Sofi
R/o Doabagh, Sopore Tehsil Sopore
District Baramulla
PIN Code 193201
10. **HAKEEM ASHIQ HUSSAIN** Age 48 years
S/o Sh. Mohd Hussain
R/o Muslipeer Sopore, Tehsil Sopore
District Baramulla
PIN Code 193201
11. **AB RASHID SEROO** Age 54 years
S/o Sh. Mohamad Shaban Seroo
R/o Arampora, Sopore Tehsil Sopore
District Baramulla
PIN Code 193201
12. **JAVED AHMED PATIGROO** Age 50 years
S/o Ghulam Nabi Patigroo
R/o Nageen Bagh , Sopore Tehsil Sopore
District Baramulla.
PIN Code 193201
13. **FAYAZ AHMAD GILKAR** Age 57 years

S/o Gh. Mohammad
 R/o Aarampora, Sopore Tehsil Sopore
 District Barmulla
 PIN Code 193201

14. **IMTIYAZ AHMAD LONE** Age 48 years

S/o Ali Mohammad Lone
 R/o Dewanbagh , Baramulla
 District Baramulla
 PIN Code 193101

15. **IRFAN HASSAN GANAIE** Age 37 years

S/o Sh. Gh Hassan Ganai
 R/o Sheerpora Bangil, Pattan
 District Baramulla
 PIN Code 193121

16. **MOHAMMAD MASARAF** Age 48 years

S/o Late. Ab Aziz
 R/o Doabagh, Sopore, District Baramulla
 PIN Code 193201

17. **RAFIQ AHMAD BHAT** Age 59 years

S/o Sucha Bhat
 R/o Burn Pattan, District Baramulla
 PIN Code 193121

18. **FAROOQ AHMAD RATHER** Age 50 years

S/o Sh. Ali Mohammad Shah
 R/o Rangwar Baramulla District
 Baramulla
 PIN Code 193201

19. **FAROOQ AHMAD SHAH** Age 49 years

S/o Ali Mohammad Shah
 R/o Mohalla Jadeed, Baramulla
 District Baramulla
 PIN Code 1932101

20. **KARAN SINGH BALI** Age 55 years

S/o S. Ajeet Singh Bali

R/o Mohalla Jadeed, District Baramulla.
PIN Code 193101

21. **JATINDER SINGH** Age 52 years
S/o Sh. S. Sahib Singh
R/o Kanlibagh Baramulla District
Baramulla.
PIN Code 193101
22. **MOHD SHAFI NAJAR** Age 47 years
S/o Mohammad Abdullah
R/o Baghislam, Baramulla District
Baramulla
PIN Code 193101
23. **SULINDER SINGH** Age 50 years
S/o Dhyan Singh
R/o Deedarpura Kupwara, Handwara
District Kupwara
PIN Code 193221
24. **AKTHER RASOOL SHAH** Age 48 years
S/o Gulam Rasool Shah
R/o Seer Jagir Sopore, District
Baramulla
PIN Code 193201
25. **GH MUSTAFA WATT** Age 52 years
S/o Mohammad Maqbool
R/o Wadoora Sopore, District
Baramulla
PIN Code 193201
26. **SHOWKAT AHMAD MALIK** Aged 48 years
S/o Haji Gh Nabi
R/o Achabbal Sopore, District
Baramulla
PIN Code 193201
27. **ALI MOHAMMAD KAMBAY** Age 53 years
S/o Gh Hassan Kambay
R/o Hygam Sopore, District Baramulla
PIN Code 193201
28. **FAYAZ AHMAD MIR** Age 46 years
S/o Mohd Ishaq Mir R/o Bulgam, Sopore
District Baramulla

PIN Code 193202

29. **SYED ATAF HUSSAIN** Age 54 years
S/o Syed Gh Ali
R/o Hygam Sopore, District Baramulla
PIN Code 193201
30. **FAROOQ AHMAD SUMJI** Age 48 years
S/o Sh. Ab Kabir Sumji
R/o Doabagh Sopore, District
Baramulla
PIN Code 193201
31. **MOHAMAD AMIN BHAT** Age 44 years
S/o Sh. Mohd Maqbool Bhat
R/o Wadoora Sopore
District Baramulla
PIN Code 193201
32. **ALI MOHAMAD RATHER** Age 53 years
S/o Gh. Mohammad Rather
R/o Hanjiwera Pattan, District Baramulla
PIN Code 193121
33. **MOHMAD AYUB LONE** Age 49 years
S/o Ab Samad Lone
R/o Watlab Sopore, District
Baramulla
PIN Code 193201
34. **RASHID HUSSAIN KANROO** Age 47 years
S/o Lt Inyatullah Kanroo
R/o Kanlibagh, Baramulla
District Baramulla.
PIN Code 1932101
35. **GULZAR AHMAD GUROO** Age 51 years
S/o Lt. Ab Ahad Guroo
R/o Dewanbagh, Baramulla
District Baramulla
PIN Code 193101
36. **MOHMAD AMIN HAJAM** Age 48 years
S/o Ab Khaliq Hajam
R/o Kawajbagh, Baramulla
District Baramulla
PIN Code 193101

37. **RIYAZ AHMAD MIR** Age 47 years
S/o Mohmad Sultan Mir
R/o Saloosa Baramulla
District Baramulla
PIN Code 193101
38. **GHULAM MOHMAD BHAT** Age 46 years
S/o Ab Salam Bhat
R/o Arcendrahama, Tangmarg
District Baramulla
PIN Code 193101
39. **TARIQ AHMAD WANI** Age 49 years
S/o Habibullah Wani
R/o Dhobiwon Tang, Tangmarg
District Baramulla
PIN Code 193402
40. **MOHMAD YOUSF RESHI** Age 56 years
S/o Mohmad Jamal Reshi
R/o Kaniloo Pattan, District
Baramulla
PIN Code 193121
41. **SYED SHAB-UD- INE QADRI** Age 51 years
S/o Mohmad Mubarak
R/o Utkoo Shakipora, Tangmarg
District Baramulla
PIN Code 193402
42. **MOHAMAD SADIQ SHAIK** Age 58 years
S/o Ali Mohammad Shaik
R/o Sadunara, Tangmarg District
Baramulla.
PIN Code 193402
43. **FAROOQ AHMAD RESHI** Age 47 years
Mohmad Abdullah
R/o Kaniloo Pattan
District Baramulla
PIN Code 193121
44. **BASHIR AHMAD PARRAY** Age 48 years
S/o Abdul Karim Parray

R/o Goigam Tangmarg
District Baramulla
PIN Code 193402

45. **REYAZ AHMAD RATHER** Age 54 years

S/o Mohd Akbar Rather
R/o Arcendrahama, Tangmarg
District Baramulla.
PIN Code 193402

46. **BASHIR AHMAD ZARGAR** Age 54 years

S/o Mohd Ahsan Zargar
R/o Pattan, tehsil & District Baramulla
PIN Code 193121

47. **NAZIR AHMAD RESHI** Age 51 years

S/o Sh. Ab. Jabbar Reshi
R/o Kanloo, Tehsil Pattan,
District Baramulla
PIN Code 193121

- 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,
(KPDCL), Srinagar (Kashmir).

3. THE CHIEF ENGINEER,

System and Operation Wing,
(KPTCL), Srinagar (Kashmir)

4. THE CHIEF ENGINEER,

Distribution (KPDCL) Jahangir Chock,
Srinagar, Kashmir.

5. THE CHIEF ENGINEER,

Transmission (KPTCL) Power Complex,
Bemina, Srinagar, Kashmir.

6. THE MANAGING DIRECTOR

(J&K PTCL) Jammu/Srinagar
(Janipur Power House Jammu)
Lottery Building Behind Civil Secretariat,
Srinagar

7. THE MANAGING DIRECTOR

Kashmir Power Transmission Distribution
Corporation Ltd. (KPDCL), Jahangir Chock
Srinagar

8. THE CHIEF EXECUTIVE OFFICER (IT),

Audit & Vigilance Division PDD Bemina
Srinagar, Kashmir

9. THE EXECUTIVE ENGINEER,

(KPDCL), Electric Division Sopore
Kashmir.

10. THE EXECUTIVE ENGINEER,

(KPDCL) Electric Division, Baramulla
Kashmir

11. THE EXECUTIVE ENGINEER

(KPDCL) Sub Transmission Division,
Sopore Kashmir

12. THE EXECUTIVE ENGINEER

TLMD VI, Bemina Srinagar
Kashmir

13. THE ASSISTANT EXECUTIVE ENGINEER,

SPL Sub Division, Tangmarg
Kashmir

- Respondents

(By Advocate: Mr. Amit Gupta,AAG)

O R D E R (ORAL)**Dr. Bhagwan Sahai, Member (A):**

Bashir Ahmad Ganai, son of Sh. AB Rashid Ganai, resident of Seer Jagir Sopore, Tehsil Sopore, District Baramulla and 46 other applicants have filed this OA on 08.08.2020. They seek direction to the respondents to consider their case for grant of pre-revised pay scale of Rs.220-430 from the date of their initial placement as Technician-III on appointment/promotion as Line Erectors, SBA, Electricians, Telephone Operators, Fitters, Mechanics and Turbine Operators, with all subsequent pay revisions from time to time, 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.**) which has attained finality with the Apex Court decision dated 10.01.2018 in SLPs No. 23074-75/2014 (**State of J&K & Ors. Vs. Javeed Ahmed Khan & Ors.** with clubbed matters) challenging the High Court orders.

2. MA No.61/330/2020 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 service is 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 above High Court order, 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 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 & Ors.), OA No. 61/147/2020 (Garu Ram & Ors. Vs. UT of J&K & Ors.) filed by similarly placed other employees of the respondent corporation, this Tribunal has directed the respondents to consider and decide the cases 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 consider the representations of the applicants dated 25.05.2020,

206.06.2018 along with the legal notice dated 13.09.2019 and a copy of this OA as part of their representation 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 and by examining as to whether the applicants' 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. The decision should then be communicated to the applicants.

5. 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.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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