

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

Tuesday, this the 18th day of August, 2020

OA No.61/467/2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Bhagwan Sahal, Member (A)**

Charan Dass, aged 51 years,
S/o Sh. Ram Lal,
R/o Village Kot Upper,
P.O. Kot, Police Station Gharota,
Tehsil Bhalwal District Jammu.

...Applicant

(By advocate: Mr. Sudershan Kumar)

Versus

1. Union Territory of Jammu and Kashmir through
Commissioner/Secretary Public Health Engineering
Department J&K Govt. Civil Secretariat Jammu/Srinagar.
2. Chief Engineer PHE BC Road Jammu.
3. Executive Engineer Public Health
Engineering, Mechanical, GW/D Division,
Jammu.
4. Accountant General, Rajpura, Lower Shiv Nagar,
Canal Road, Jammu.

...Respondents

(By advocate: Mr. Amit Gupta)

ORAL ORDER

{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

The applicant is working as Class - IV employee in the office of the Executive Engineer, Public Health Engineering Mechanical Ground Water / Drilling Division i.e. R-3. It appears that there was a large scale wrong fixation of salaries of the employees in certain establishments, mostly in Engineering Divisions. Through a Circular dated 30.06.2020, the Chief Engineer, Jal Shakti (PHE) Department, Jammu directed the verification of the pay structure of the various employees. The instances of an individual drawing as much as Rs.30,35,582/- in excess of his entitlement was also mentioned. The applicant apprehends that his salary may be revised downwards or amounts may be deducted from him on the basis of the circular dated 30.06.2020. In that background he filed this OA with a prayer to direct the respondents not to withhold his salary, or to make any deduction.

2. We heard Mr.Sudershan Kumar, learned counsel for the applicant and Mr.Amit Gupta, learned counsel for the respondents.

3. Except directing that, the pay structure of the various employees in their establishments must be verified and scrutinized, the circular dated 30.06.2020 did not direct the refixation of the salary or recovery, straightaway. It is only when an exercise in pursuance of said circular is undertaken and any order adverse in the interest of the applicant has passed, that he can has a cause of action to approach this Tribunal. It is assumatic that the respondents shall put the effected employees on notice, if orders adverse to their interests are proposed to be passed.

4. As of now, this OA is premature, if not without any cause of action. We, therefore, dismiss the same, leaving it open to the applicant to approach this Tribunal, in case the respondents revise his salary to his detriment or decide to effect recovery, contrary to law.

5. There shall be no order as to costs.

(DR.BHAGWAN SAHAI)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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