

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

Tuesday, this the 18th day of August, 2020

OA No.61/480/2020

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

1. Ram Paul, aged 58 years,
S/o Prabha Dayal,
R/o Ward No.67,
Near Ram Mandir,
Muthi Jammu.

Presently posted as Assistant Rigman at the
Office of the Executive Engineer
Jai Shakti
(PHE), Mechanical Division, Jammu.

2. Ashwani Jamwal, aged 44 years,
S/o Dalip Singh Jamwal,
R/o H.No.15 Toph Sherkhania,
Jammu.

Presently posted as Assistant Motoman at the
Office of the Executive Engineer
Jai Shakti
(PHE), Mechanical Division,
Jammu.

3. Manzoor Ali, aged 59 years,
S/o Late Barkat Ali,
R/o H. No.EP 524 Talab Khatikan,

Jammu.

Presently posted as Assistant Rigman at the
Office of the Executive Engineer Jal Shakti
(PHE), Mechanical Division, Jammu.

...Applicants

(By advocate: Mr. Anuj Malhotra)

Versus

1. Union Territory of Jammu and Kashmir through
Commissioner/Secretary
Jal Shakti (Public Health Engineering)
Department, Civil Secretariat Srinagar.
2. The Chief Engineer, Jal Shakti.
(Public Health Engineering)
Department, Jammu.
3. The Financial Advisor/Chief Accounts Officer,
Jal Shakti (Public Health Engineering)
Department, Government of Jammu & Kashmir
Civil Secretariat Srinagar.
4. The Executive Engineer,
Jal Shakti (Public Health Engineering)
Department, Jammu.
5. The Executive Engineer,
Jal Shakti (Public Health Engineering)
Department Mechanical Division North,
Jammu.

...Respondents

(By advocate: Mr. Amit Gupta)

ORAL ORDER

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

....

The applicants are working as Class - IV employees 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 applicants apprehend that their salary may be revised downwards or amounts may be deducted from them on the basis of the circular dated 30.06.2020. In that background they filed this OA with a prayer to direct the respondents not to withhold their salary, or to make any deduction.

2. We heard Mr.Anuj Malhotra, learned counsel for the applicants 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 applicants has passed, that they can have 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. The same is accordingly dismissed as premature. It is stated that the salary of the applicants 1 and 2 was withheld, however, it is not stated for which period. In case, they are not paid salary, it shall be open for them to make a representation to the concerned pay disbursing authority, who in turn shall take necessary steps.

5. There shall be no order as to costs.

(DR.BHAGWAN SAHAI)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

sd