



**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.61/496/2020
MA No. 61/465/2020

Wednesday, this the 19th day of August, 2020

**Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

1. Rajendar Kumar, Age 51 years,
S/o late Sh. Damodar Nath Pandit,
R/o Village Zainapora,
Tehsil Shopian, District Pulwama
At present 106-A/8, Manorama Vihar Bohri,
Talab Tillo, Jammu
2. Ravinder Kaur, Age 47 years,
W/o Sh. Rajinder Singh,
R/o Mehjoor Nagar, Srinagar
At present H.No.284/P, Sector-1,
Extension Trikuta Nagar, Jammu

- Applicants

(Ms. Rozina Afzal, Advocate)

Versus

1. Union Territory of Jammu & Kashmir,
Through its Commissioner/Secretary,
Public Works Department (R&B),
Civil Secretariat, Srinagar/Jammu
2. Financial Commissioner,
J&K Government,
Civil Secretariat, Srinagar/Jammu
3. Director (Codes) Finance Department,

J&K Government,
Civil Secretariat, Srinagar/Jammu - Respondents

(Mr. Amit Gupta, AAG)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Rajendar Kumar, son of late Sh. Damodar Nath Pandit, resident of 106-A/8, Manorama Vihar Bohri, Talab Tillo, Jammu and Ravinder Kaur, wife of Sh. Rajinder Singh, resident of H.No.284/P, Secotr-1 Extension Trikuta Nagar, Jammu, have filed this OA on 18.08.2020, seeking direction to the respondents to place them in pre-revised pay scale of Rs.1600-2660 (revised Rs.5150-8300) from the date of their appointment, with consequential benefits, as has been done in case of similarly situated other employees of the respondent organization as per judgment in SWP Nos. 1328/2004 and 2047/2003 and in terms of the Government Order No.121-PW(Hyd) of 2014 dated 11.03.2014 with reference to High Court order dated 19.03.2013 and Government Order 17.02.2020 in pursuance of the order on Contempt No. 40/2009 in SWP 1872/2013 (Sanjay Gupta & Ors. v. State of J&K & Ors.).

2. MA No. 61/465/2020 filed by the applicants for joining together in this OA is allowed.

3. In the OA and during arguments of their counsel, the applicants have stated that –

- (i) they were appointed as Draftsmen in the pay scale of Rs.4000-6000 vide Govt. Order No.418-PW of 1998 dated 07.12.1998 but were not granted this scale, although it has been granted to other Draftsmen working in different Engineering Departments of the State Government;
- (ii) because of this anomaly, some other appointees filed Writ Petitions which were decided by Jammu & Kashmir High Court in their favour, leading to Government Order dated 13.06.2003 to remove the anomaly of the petitioners therein;
- (iii) they could not file Writ Petition because of their domestic engagement and have been left out of the benefits of the pay scale;
- (iv) as per Civil Services (Revised Pay) Rules, 1992, special treatment was given to some categories of employees, i.e., Drivers, Patwaris, Medical Assistants, Police Constables, Teachers and Junior Engineers for the revision of the pay scales;
- (v) for the post of Draftsmen, there was no rule and therefore, SRO 174 dated 30.07.1992 was issued providing that all draftsmen carrying pay scale of Rs.1200-2170 would be placed in the pay scale of Rs.1600-2660. After 8 years of service, the draftsmen were also made eligible for pay scale of Rs.1600-2660; and
- (vi) in some other cases also, based on the High Court orders, a similar treatment has been accorded to other draftsmen working with

the respondent as per Government Order dated 14.01.2019 but they have not yet been extended that benefit. Therefore this OA.

4. After arguing the case for some time, the applicants' counsel submitted that the applicants would be satisfied, if this OA is disposed of at this stage with direction to the respondents to consider their case for similar treatment as given to other draftsmen within the specified period of time. The respondents' counsel has no objection to such disposal of the OA.

5. In view of the above submission, this OA is disposed of at admission stage itself with direction to respondents to consider a copy of this OA as a representation of the applicants as per relevant Service and Pay Rules applicable to them and the case laws relied upon by them, if they are applicable to them as per provisions of law and decide it with a reasoned and speaking order, within a period of two months from the date of receipt of a copy of this order and thereafter communicate it to them. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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