



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/497/2020

Wednesday, this the 19th day of August, 2020

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

Rakesh Kumar, Age 45 years,
S/o Sh. Thoru Ram,
R/o Shiv Nagar behind AG Office, Jammu - Applicant

(Ms. Rozina Afzal, Advocate)

Versus

1. Union Territory of Jammu & Kashmir,
Through its Commissioner/Secretary,
Technical Education Department,
Civil Secretariat, Jammu
2. Director, Technical Education Department,
J&K, Jammu
3. Commissioner/Secretary to Govt. of J&K
Finance Department, Civil Secretariat, Jammu
4. Commissioner/Secretary to Govt. of J&K,
General Administration Department,
Civil Secretariat, Jammu

(Mr. Rajesh Thapa, DAG for respondents)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Rakesh Kumar, son of Sh. Thoru Ram, resident of Shiv Nagar behind AG office, Jammu, has filed this OA on 18.08.2020, seeking direction to respondents to consider him for pre-revised pay scale of Rs.1600-2660 (revised pay scale of Rs.5150-8300) on par with similarly situated other employees of the respondent organization, such as Junior Type Writer Mechanics, granted by Government Order No.106-Edu(Tech) of 2017 dated 12.10.2017.

2. We have heard today the applicant's counsel, Ms. Rozina Afzal and Mr. Rajesh Thapa, DAG on behalf of the respondents.

3. In the OA, the applicant has stated that -

(i) as per GAD letter dated 20.10.2005, he was appointed on contractual basis as Instrument Repairer with consolidated amount of Rs.4000/- per month in Govt. Polytechnic Jammu and by GAD order dated 14.10.2009, his service was regularized in the Pay Band-1 of Rs.5200-20200+GP Rs.2400 in Technical Education Department with immediate effect;

(ii) his services is governed by J&K Subordinate Service Recruitment Rules, 2002, providing pay scale of Rs.220-430 for posts of Workshop Instructor (Tr. Grade), Physical Instructor, Boiler Mechanic Draftsmen and Type Writer Mechanic. Subsequently, the

pay scale of type writer mechanics and draftsmen was revised to Rs.5000-8000 but the applicant has been continued in the pay scale of Rs.4000-6000;

(iii) earlier Instrument Repairers were called Mechanics but now they are playing a very important role in Technical Education Department. Educational qualification for Instrument Repairer is high school pass with ITI/NTC diploma, whereas for Sewing Machine Mechanic, Type Writer Mechanic, Boiler Mechanic, Draftsmen, Lab. Technician, Senior Lab Technician, the qualification is same with two years experience in appropriate trade; and

(iv) because of discrimination in the pay scale of applicant and other employees of Technical Education Department, he submitted a representation to Director, Technical Education Department, J&K, Jammu, on 08.06.2019, but it has not yet been decided in his favour.

Hence this OA.

4. During arguments, the applicant's counsel submitted that this OA can be disposed of at this stage with direction to the respondents to consider the pending representation of the applicant dated 08.06.2019 for grant of higher pay scale as has been granted to similarly situated other employees, within a 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 the pending representation of the applicant dated 08.06.2020 as per relevant provisions of Service and Pay Rules applicable to the applicant 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 the applicant. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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