Central Administrative Tribunal
Jammu Bench, Jammu

<u>Hearing through video conferencing</u>

O.A. No.61/551/2020
M.A. No.61/575/2020

Tuesday, this the 25th day of August, 2020

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

1. Sham Lal S/o Sh. Bodh Raj
   Age 56 years,
   R/o Village Badyal PO Sanoora,
   Tehsil Rajpura District Samba-184141.

2. Kishori Lal S/o Bihari Lal
   Age 56 years
   R/o Village Jatwal,
   Tehsil Ghagwal District Samba-184141.

3. Ashwani Kumar S/o Sh. Ram Lal
   Age 52 years,
   R/o Village Supwal,
   Tehsil Vijaypur District Samba-184141.

4. Joginder Paul S/o Thuru Ram
   Age 57 years,
   R/o Villaged Jatwal
   Tehsil Ghagwal District Samba-184141.

5. Kabla Singh S/o Kartar Singh,
   Age 50 years,
   R/o Village Chhan Kahna,
   Tehsil Ghagwal District Samba-184141.

6. Avtar Singh S/o Harnam Singh
   Age 53 years,
   R/o Village Tapyal,

Tehsil Ghagwal District Samba-184141.

7. Jagdev Raj S/o Bihari Lal
   Age 53 years,
   R/o Village Rai
   Tehsil Ghagwal District Samba-184141.

8. Rajinder Kumar S/o Des Raj
   Age 54 years
   R/o Village Jarain,
   Tehsil Rajpura District Samba-184141.

9. Asha Nand S/o Sansar Chand
   Age 51 years,
   R/o Village Jarain,
   Tehsil Rajpura District Samba-184141.

10.   Garo Devi W/o Waryam Singh,
   Age 54 years,
   R/o Village Tapyal,
   Tehsil Ghagwal District Samba-184141.

11.   Braham Dutt S/o Mansa Ram,
   Age 54 years,
   R/o Village Muthi Khurd,
   Tehsil Ghagwal District Samba-184141.

12.   Vias Raj S/o Chand Ram
   Age 59 years,
   R/o Village Sangwali,
   Tehsil Ghagwal District Samba-184141.

13.   Kamalkant S/o Bhagat Ram
   Age 58 years,
   R/o Village Kararkey,

Tehsil Ghagwal District Samba-184141.

14.   Ashok Kumar S/o Harbans Lal,
    Age 54 years,
    R/o Village Balooni,
    Tehsil Ghagwal District Samba-184141.   .....Applicants

(By advocate: Mr. Kapil Gupta)

VERSUS

1. U.T. of Jammu and Kashmir
   Through Commissioner-cum-Secretary to
   Government, Jal Shakti (PHE) Department,
   Civil Secretariat, Jammu.

2. Chief Engineer,
   Public Health Engineering Department,
   Jammu.

3. Executive Engineer,
   Public Health Engineering Division,
   Samba.   ...Respondents

(By advocate: Mr. Sudesh Magotra)

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 Jal Shakti, Public Health Engineering (PHE) Department, i.e. R-1. 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.Kapil Gupta, learned counsel for the applicant and Mr. Sudesh Magotra, 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)   (JUSTICE L. NARASIMHA REDDY)
MEMBER   (ADMN.)   CHAIRMAN

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