

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.61/558/2020

M.A. No.61/606/2020

Tuesday, this the 26th day of August, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)

Hon'ble Sh. Rakesh Sagar Jain, Member(J)

1. Ramesh Chander, Age 59 years S/o Sh. Charan Dass R/o Khiddian, Tehsil Brahmana District Samba.
2. Ved Parkash, Age 58 years S/o Late Sh. Hari Chand R/o Bari Brahmana, Tehsil Bari Brahmana District Samba.
3. Kuldeep Singh Slathia, Age 63 yers (Retd.)S/o Sh. Santokh Singh R/o Meen Sarkar, Tehsil Bari Brahmana District Samba.
4. Gur Dass Kumar, Age 60 years (Retd) S/o Late Sh. Gopi Ram R/o Colonel Colony, near Gurdwara, Talab Tillo, Bohri, Jammu.
5. Ashok Kumar Charak, Age 62 years (Retd) S/o Sh. Khajur Singh R/o Sarore, Tehsil Bishnah, District Jammu.
6. Raghbir Singh, Age 63 years (Retd) S/o Late Sh. Punjab Singh, R/o Khanwal, P.O. Rehiyan, Tehsil and District Samba.

..... Applicants

(By Advocate: Mr. Mohinder Kumar)

Versus

1. Union Territory of Jammu & Kashmir through

Commissioner/Secretary to Government, Jammu
Power Development Department, Civil Secretariat,
Jammu/Srinagar.

2. Chief Engineer, Jammu Power Distribution Corp.
Ltd. Jammu.
3. Executive Engineer, Electt. Maintt and RE
Division-IV, Vijaypur.
4. Executive Engineer, Elect. Maintt and RE
Division – III, Rehari Near Education Board,
Jammu.

-Respondents

(By Advocate: Mr.Sudesh Magotra, DAG)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Ramesh Chander son of Sh. Charan Dass, resident of Khiddian, Tehsil Bari Brahmana District Samba and five other applicants have filed this OA on 25.08.2020. They seek direction to the respondents to consider their case for grant of pre-revised pay scale of Rs.220-430 from the date of their initial placement as Meter Readers with all subsequent pay revisions from time to time, in light of J&K High Court order dated

29.07.2013 in SWP No. 2631/2009 (**State of J&K vs. Yash Paul & Ors.**) which has attained finality with the Apex Court decision dated 10.01.2018 in SLPs No. 23074-75/2014 (**State of J&K & Ors. Vs. Javeed Ahmed Khan & Ors.** with clubbed matters) challenging the High Court orders.

2. MA No. 061/606/2020 filed by the applicants for submitting this OA jointly is allowed.

3. In the OA, the main submissions of the applicants are that –

(i) they were appointed as Meter Readers in different divisions/sub divisions of Jammu district and their service is governed by Jammu and Kashmir Power Development (Subordinate) Service Recruitment Rules, 1981 though inadvertently it was not included in Schedule II Part A of those rules;

(ii) the controversy involved in the present case has been settled by the Jammu & Kashmir High Court

order dated 29.07.2013 in LPA No.58/2013 and Apex Court order dated 10.01.2018 dismissing SLPs No. 23074-75/2014;

(iii) in view of the above High Court order, the respondents have subsequently granted the pre-revised pay scale of Rs.220-430 to the petitioners therein;

(iv) they are also similarly situated with the petitioners in the above High Court order, hence are also entitled for grant of pre-revised pay scale of Rs.220-430 from the date of their initial appointment as the posts on which they joined service are equivalent to those which carry pay scale of Rs.220-430 (Pre-revised) under Schedule I of J&K PDD Subordinate Service Recruitment Rules 1981;

(v) in other OAs, such as OA No. 061/00305/2020 (Kuldeep Singh & Ors. Vs. UT of J&K & Ors.) filed by similarly placed other employees of the respondent

corporation, this Tribunal has directed the respondents to consider and decide the cases of the applicants therein. Therefore, the applicants herein also seek similar direction to the respondents to consider their case. Respondents' counsel has no objection to such disposal of the OA.

4. In view of the above submissions, and the fact that several OAs filed by other similarly situated employees of the respondent corporation have been disposed of by this Tribunal, directing the respondents to consider the cases of the applicants therein, this OA is also disposed of at admission stage itself, with direction to the respondents to consider a copy of this OA as representation and decide it with a reasoned and speaking order as per provisions in relevant Service and Pay Rules applicable to them and in view of the case law relied upon by them, if it was for identically placed other employees of the respondents and by examining as to whether the applicants' claim

being articulated now has become stale or dead due to inordinate delay and laches as per the view taken in Supreme Court decisions such as **Chairman, UP Jal Nigam & Anr. V. Jaswant Singh & Anr.**, JT 2006(10) SC 500 and **Govt. of West Bengal vs. Tarun K. Roy & Ors.** (2004)1 SCC 347. The decision should then be communicated to the applicants.

5. This exercise should be completed by the respondents within a period of 60 days from the date of receipt of a copy of this order. However, it is to be noted that we have neither expressed any opinion on merits of the applicants' case nor examined applicability of the case laws relied upon by them. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member(A)

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