

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A./61/472/2020 (SWP.No.2634/2002)



Dated: this the 03rd day of November, 2020

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. MOHD. JAMSHED, MEMBER (A)**

1. Mohan Lal S/o Sh. Dhani Ram, aged 37 years, R/o Village Seri Pandits, Tehsil and Distt. Jammu (Tech. IV).
2. Rameshwar Singh S/o Sh. Krishan Singh, aged 48 years, R/o Vill. Batera, Tehsil and Distt. Jammu (Tech.II)
3. Ashok Kotwal S/o Sh. Krishan Lal Kotwal aged 45 years, R/o H. No. 40-A, Excelsior Lane, Old Janipur, Jammu (Tech.III)
4. Ved Raj S/o Sh. Amar Nath, aged 45 years, R/o H. No. 14, R/o Below Gumat, Jammu (Tech. III)
5. Gurdev Singh S/o Sh. Inder Singh, age 52 years, R/o W. No. 9, R.S. Pura, Jammu. (Tech.III)
6. Ramesh Chander Dogra, S/o Sh. Ram Rakha, aged 53 years, R/o H. No. 1809-F, Rathore Street, Shastri Nagar, Jamm. (Tech.III)
7. Dampuram Singh S/o Sh. Jagat Singh, aged 48 years, R/o Village, Purkhoo, Tehsil and Distt. Jammu (Tech-II)

.....Applicants

(Advocate: Mr.K.Nirmal Kotwal, Not present)

Versus

1. State of J&K through Commissioner-cum-Secretary to Govt., P.D.D. Department, Civil Sectt., Jammu.
2. Chief Engineer, M&RE Wing, Jammu.
3. Executive Engineer, M&RE Division-I, Parade Ground, Jammu.
4. Executive Engineer, M&RE Division-II, Gandhi Nagar, Jammu.
5. Executive Engineer, M&RE Division-III, Mubarak Mandi, Jammu.

.....Respondents

(Advocate:- Mr. Sudesh Magotra, Deputy Advocate General)

ORDER ORAL**Justice L. Narasimha Reddy, Chairman: -**

The applicants are employees in the establishment of Chief Engineer, Electric and Maintenance & RE Wing, Jammu. There existed SRO 149 of 1973, issued under the Jammu & Kashmir Civil Services Revised Pay Rules, 1973, providing for extension of the benefit to the employees, who acquired the qualification of Matric and ITI Diploma. The applicants were extended such benefit. However, the Chief Engineer, issued an order dated 29.10.2002 stating that several representations were received from the Union of provisional power employees against such benefit and pending examination of such representations, further action be not taken for extension of such benefits. The applicants filed SWP No.2634/2002 before the Hon'ble High Court of Jammu & Kashmir, challenging the order dated 29.10.2002. Several grounds were urged in challenge to the same. An interim order was passed by the Hon'ble High Court.

2. A reply statement is filed on behalf of the respondents. It is stated that the SRO 149 of 1973, referred to above, was in force at a time when the relevant recruitment rules were not in place and once the rules were framed, it became redundant, and accordingly the impugned order came to be issued. It is stated that the mistakes were noticed after receiving representations and the impugned order was passed accordingly. It is also mentioned that in identical cases, the Government issued notices to the concerned employees and passed

a comprehensive order dated 31.07.2013, whereby all the orders issued by the DPC/Chief Engineer, Electric and Maintenance & RE Wing and any other controlling officer in favour of the employees were rescinded ab initio. After re-organization of the State of Jammu & Kashmir into Union Territory, the Writ Petition was transferred to this Tribunal and is re-numbered as TA.No.472/2020.

3. Today, when the matter is listed for hearing, there is no representation on behalf of the applicants. We heard Mr.Sudesh Magotra, learned Deputy Advocate General, for the Respondents, and perused the record.

4. The impugned order is very brief in its purport. Except that certain activities and steps were kept on hold pending further examination, the rights of the parties were not finally decided. The applicants claimed the benefit of SRO 149 of 1973.

5. In their reply, the respondents have stated that the entire issue was dealt with specially by issuing notice to the concerned officials and a comprehensive order was passed on 31.07.2013, rescinding all such orders issued earlier. With this, the entire issue assumes different content altogether. If the applicants feel aggrieved by the stand taken by the Government, vide order dated 31.07.2013, they have to seek appropriate remedies.

6. We, therefore, dismiss the TA. However, we direct that the respondents shall not recover any amount, which is already paid to the applicants on the strength of the interim order. We also leave it open to the applicants to work out the remedies, if they still feel aggrieved. There shall be no order as to costs.

(MOHD. JAMSHED)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

Dsn