

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/779/2020

This the 04th day of November, 2020



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

1. Devinder Singh Sambyal, age 55 years, S/o Sh. Tirath Singh R/o Mandi Thalora, Tehsil and District Samba.
2. Ramesh Chander aged 57 years, S/o Sh. Tilak Raj R/o Ward No. 5, Tehsil and District Samba.

.....Applicants

(Advocate: Mr. Mohinder Kumar)

Versus

1. State of Jammu & Kashmir through Commissioner/Secretary to Government, Power Development Department, Civil Sectt. Jammu/Srinagar.
2. Power Development Commissioner, Jammu.
3. Chief Engineer, Electt. Maintt. & R.E. Wing, Power Development Department, Jammu.
4. Executive Engineer, Electr Maintt and RE Division Vijaypur.

.....Respondents

(Advocate: Mr. Amit Gupta, AAG)

ORDER

[O R A L]

Delivered by Hon'ble Mr. Anand Mathur, Member (A): -



1. In this T.A., the applicants seek a direction to the respondents to fix the applicants in the pay scale of Rs.220-430 PR in terms of Schedule -1 appended to J&K POD Subordinate Service Recruitment Rules, 1981 from the date they have been appointed by way of promotion on these posts. Applicants further seek to give all subsequent pay revision benefits to the applicants on the analogy of judgment dated 11.10.2012 passed in SWP No. 2631/2009 Yash Paul and others Vs. State of J&K and Division Bench judgment dated 28.01.2014 in LPA No. 63/2013 as the applicants are similarly situated employees of PDD department.
2. Learned counsel for the applicants submitted that applicants may be granted the benefit of judgment of Hon'ble High Court of Jammu and Kashmir dated 11.10.2012 passed in SWP No. 2631/2009 Yash Paul and others Vs. State of J&K and Division Bench judgment dated 28.01.2014 in LPA No. 63/2013. The Department preferred SLP before the Hon'ble Supreme Court against the dismissal of LPA

which too has been dismissed by the Hon'ble Supreme Court vide its order dated 10.01.2018.



3. Learned counsel for the applicants submitted that the T.A. may be disposed of with a direction to the respondents/competent authority to consider the case of the applicants in the light of judgment of Hon'ble High Court of Jammu and Kashmir dated 11.10.2012 passed in SWP No. 2631/2009 Yash Paul and others Vs. State of J&K and Division Bench judgment dated 28.01.2014 in LPA No. 63/2013, which has been upheld by Hon'ble Supreme Court by passing a reasoned and speaking order in a time bound manner.
4. On the other hand, learned AAG submits that suit action with regard to the claim of the applicants shall be taken in accordance with law.
5. In view of the aforesaid submissions and in the facts of the case, the Transfer Application is disposed of with a direction to respondents/competent authority to consider the claim of the applicants for grant of benefit if covered by judgment of Hon'ble High Court of Jammu and Kashmir dated 11.10.2012 passed in SWP No. 2631/2009 Yash Paul and others Vs. State of J&K and Division Bench judgment dated 28.01.2014 in LPA No. 63/2013, by passing a reasoned and speaking order within a period of two months from the



date of receipt of certified copy of the order passed today. Needless to state that in case the applicants are found entitled to the benefit of the judgment of Hon'ble High Court of Jammu and Kashmir referred to supra; the same shall be extended to them. It is made clear that this Tribunal has not expressed any opinion on the merits of the case. No order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Manish/-