

CENTRAL ADMINISTRATIVE TRIBUNAL

JAMMU BENCH JAMMU

Dated: This day 02nd of July 2020

HON'BLE Dr. BHAGWAN SAHAI, MEMBER – A

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

O.A. No. 061/00140/2020

1. Mohinder Pal Singh Age 53 years S/o Amar Singh R/o Saranoo Godhar Tehsil & District Rajouri
2. Shiv Kumar age 48 years S/o Darbari Lal R/o W. No. 5 Jawahar Nagar Rajouri
3. Mohd. Ashraf Age 41 years S/o Shah Mohd. R/o Soom Kalakot Rajouri
4. Tanveer Iqbal Age 33 years S/o Mohd. Malik R/o Ujhan Dandkote Tehsil Darhal District Rajouri
5. Zulifqar Ahmed Age 34 years S/o Mohd. Rafiq R/o Fatehpur Dana Rajouri
6. Manjeet Singh Age 51 years S/o Daleep Singh R/o Saranoo Tehsil & District Rajouri at present Chassan, Tehsil Mahore District Udhampur
7. Mohd. Farooq Chowdhary Age 37 years S/o Ghulam Nabi R/o Panihad Tehsil Kotranka District Rajouri
8. Rajinder Singhh Age 48 years S/o Harnam Singh R/o Saranoo Tehsil & District Rajouri
9. Aftab Ahmad Age 56 yeas S/o Abdul Ghani Dar R/o W. No. 8 Rajouri
10. Suresh Chander Age 54 years S/o Jagmohan Lal R/o W. No. 11, Rajouri
11. Anwar Hussain Age 59 years S/o Sulah Mohd. R/o Dana Rajouri
12. Romesh Kumar Age 54 years S/o Amar Nath R/o Teryath Kalakot District Rajouri
13. Inam Ullah age 52 years S/o Akram Ali R/o Badhoon Rajouri
14. Ravinder Kumar Age 48 years S/o Krishan Lal R/o Village Dhanour Lohram Tehsil & District Rajouri
15. Mohd. Arif Age 46 years S/o Mohd. Iqbal R/o Village Rajdhari Mazoor Tehsil Thanamandi District Rajouri
16. Shamim Ajaz Age 48 years S/o Mohd. Munsha R/o Badhnoo Tehsil Darhal District Rajouri

..... Applicants

By Advocate: Mohd. Shaqir, Advocate, for Mr. Ashwani Sharma, Adv.

Versus

1. UT of Jammu and Kashmir through
Principal Secretary to Government, Power
Development Department,
Jammu & Kashmir, Civil Secretariat, Jammu
2. The Managing
Director JPDCL
Jammu.
3. The Chief Engineer
(Distribution) JPDCL Jammu.
4. Executive Engineer, STD-IV, JPDCL, Kalakote Rajouri
5. Executive Engineer, Elect. Division JPDCL, Rajouri

.....**Respondents**

By Advocate: Shri. Amit Gupta, AAG for Respondents

ORDER (Oral)

Dr. Bhagwan Sahai, Member (A)

1. M.A. No.061/00066/2020

M.A. seeking joining together of the applicants in a single petition is allowed.

2. O.A. No.061/00140/2020

Mr. Mohinder Pal Singh s/o Mr. Amar Singh and fifteen other applicants have jointly filed this O.A. under Section 19 of Administrative Tribunals Act, 1985, seeking direction to the respondents to grant them pre-revised pay scale of Rs.220-430, with all pay revisions from time to time, after their appointment as Technician-III and adjustment as Line Erectors and other equivalent posts, i.e., Electricians, Telephone Operators, Switch Board Attendant (SBA), Fitters, with all consequential benefits, in view of J & K High

Court decision dated 29.07.2013 in LPA No.58/2013 along with clubbed matters.

3. We have perused the contents of the O.A. and heard today Mohd. Shaqir applicants' counsel and Mr. Amit Gupta, AAG for respondents.

4. The applicants in this O.A. contend that:

(i) they were appointed as Line Erectors, Telephone Operators, SBA, C/Jointer, etc. and have been working as Technician-III in PDD Department in different divisions of Jammu. Many other petitioners filed Writ Petitions in J & K High Court for releasing pay scale of Rs.220-430 (pre-revised) and Rs.4000-6000 (revised), in which the respondents were directed to place the petitioners therein in the revised pay scale of Rs.4000-6000. The decision of Single Bench of J & K High Court was upheld by a Division Bench. SLP Nos. 23074-23075/2014 filed in Hon'ble Supreme Court challenging the J & K High Court decision was dismissed on 10.01.2018. Thereafter, the respondents granted to the petitioners therein the pay scale of Rs.220-430 (pre-revised) in terms of the High Court order; and

(ii) the applicants, being similarly placed with those for whom the pay scales have been granted, submitted a representation dated 18.03.2020 to consider their cases in

terms of order dated 29.07.2013 in LPA SW No.58/2013 but it has not yet been decided.

5. In addition to hearing both the counsels, we have perused the case record.

6. The applicants' counsel submits that the applicants would be satisfied if the present O.A. is disposed of at this stage, with direction to the respondents to grant the pay scale to them as per aforesaid J & K High Court order. Learned AAG seeks adjournment to file counter affidavit.

7. However, the O.A. is disposed of at the admission stage itself, with direction to respondent No.3 (Chief Engineer, J & K Power Development Corporation Ltd., Jammu) to decide the pending representation of the applicants dated 18.03.2020, within four weeks from the date of receipt of a copy of this order, by passing a well-reasoned and speaking order for grant of pay scale of Rs.220-430 (pre-revised) to them as per provisions of relevant Rules and the case law relied upon. While taking a decision, the respondents shall also consider the question of delay viz-a-viz stale and dead claim as per the law laid down by the Hon'ble Supreme Court of India in a number of cases. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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