

CENTRAL ADMINISTRATIVE TRIBUNAL

JAMMU BENCH JAMMU

Dated: This day 2nd of July 2020

HON'BLE Dr. BHAGWAN SAHAI, MEMBER – A

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

O.A. No. 061/00139/2020

1. Amrish Kumar Age 49 years S/o Narinder Kumar Sharma R/o 716-A, Last Morh, Gandhi Nagar, Jammu
2. Dev Raj Age 48 years S/o Shallo Ram R/o H. No. 583 Nai Basti Jammu
3. Jatinder Kumar Age 47 years S/o Hazara Mal R/o Bana Chack Tehsil Bishnah District Jammu
4. Sanjeev Kumar Age 50 years S/o Krishan Lal R/o G-34 Shanti Nagar Toph Sherkhanian, Jammu
5. Raman Kumar Age 51 years S/o Prem Nath R/o Phaddu Tehsil Billawar District Kathua
6. Harmeet Singh Age 47 years S/o Joginder Singh R/o H. No. 91/5 Preet Nagar, Digiana, Jammu
7. Kamal Kishore Age 43 years S/o Birbal R/o Makhanpur Gujran R.S. Pura, Jammu
8. Sudesh Kumar Age 52 years S/o Darbari Lal R/o H. No. 176, Sector-1C East Extn. Marble Market, Trikuta Nagar, Jammu
9. Kanwaljit Singh Age 45 years S/o Parkash Singh R/o H. No. 100, Sector-3, Nanak Nagar, Jammu
10. Parveen Kumar Age 56 years S/o Mohan Lal R/o H. No. 21, Sector-4, Sanjay Nagar, Jammu
11. Amarjeet Singh Age 52 years S/o Harbhajan Singh R/o H. No. 100, Sector-3, Nanak Nagar, Jammu
12. Neeraj Gupta Age 45 years S/o Mohan Lal Gupta R/o H. No. 28-F Hazipura Last Morh, Gandhi Nagar, Jammu.
13. Ajay Bahadur Singh Age 50 years S/o Sh. Jagjeet Singh R/o H. No. EZP 409 Mohalla Baba Jewan Shah, Shahidi Chowk, Jammu

..APPLICANTS

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

V/S

1. UT of Jammu & Kashmir
Through Principal Secretary to Government,
Power Development Department,
Jammu & Kashmir, Civil Secretariat, Jammu
2. The Managing Director JPDCL,
Jammu.
3. The Chief Engineer JPDCL,
Jammu.
4. Executive Engineer, ED-II, Jammu
5. Executive Engineer, STD-II, Jammu.

.....**Respondents**

By Advocate: Shri Amit Sharma, AAG,

O R D E R (Oral)

Dr. Bhagwan Sahai, Member (A)

1. M.A. No.061/00068/2020

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

2. O.A. No.061/00139/2020

Mr. Amrish Kumar s/o Mr. Narinder Kumar Sharma and twelve 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 Attendants (SBA), Fitters etc., 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/Jointers, 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 High Court order; and

(ii) the applicants, being similarly placed with those for whom the pay scales have been granted, submitted a representation dated 09.03.2020 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 learned 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 09.03.2020, 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 of law laid down by the Hon'ble Supreme Court of India in a number of cases. No costs.

(Rakesh Sagar Jain)
Member (J)

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(Dr. Bhagwan Sahai)
Member (A)