CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU

Hearing through video conferencing

O.A. No. 61/00229/2021

This the 15th day of February, 2021

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

1. Zubair Ahmed Malik, Age 35 years, S/o Sh. Qayam Malik, R/o Qaderna, Marwah.

2. Mohd. Imran hajam, Age 34 years S/o Late Sh. Ab. Gani Hajam, R/o Thathri.

3. Javed Iqbal Qazi, Age 42 years S/o Late Mohd. Amin Qazi, R/o Hidyal Kishtwar.

4. Tanveer Ahmed Sheikh, Age 30 years, S/o Late Nazir Ahmed Sheikh, R/o Sangrambhatta Kishtwar.

5. Danish Bashir, Age 24 years S/o Late Bashir Ahmed, R/o Sangrambhatta, Kishtwar.

6. Bilal Ahmed, Age 30 years, S/o Late Gh. Hussain Wani, R/o Chingam.

7. Lekh Raj, Age 30 years, S/o Late Sh. Nath Ram, R/o Village Chingam.

8. Shabir Ahmed, Age 30 years, S/o Late Gh. Rasool Butt, R/o Village Muller Chatroo.

9. Shabir Ahmed, Age 38 years S/o Sh. Mohd. Rafiq, R/o Village Tanta.
                                             ....Applicants

(Advocate: Mr. Ashwani Sharma)

Versus

1. Union Territory of Jammu and Kashmir Through Commissioner Secretary, Jal Shakti (PHE) Department, Civil Secretariat, Srinagar/Jammu.

2. Chief Engineer, Jal Shakti (PHE) Department, Jammu.

3.   Executive Engineer, Jal Shakti (PHE) Division, Kishtwar.

                                                ....Respondents

(Advocate: Mr. Amit Gupta, ld. A.A.G.)

O R D E R [O R A L]

By Hon'ble Mr. Anand Mathur, Member (A)

Mr. Ravi Singh and twenty four others have jointly filed this O.A. under Section 19 of Administrative Tribunal Act 1985 seeking direction to the respondents to place the applicants in the pay scale of Rs.5000-8000 revised from time to time with all consequential benefits, in view of Hon'ble High Court of Jammu and Kashmir Judgments dated 08.05.2017 passed in SWP No. 809/2001 and 26.02.2018 passed in SWP No. 292/2018 and also of this Tribunal's Order dated 21.10.2020 passed in OA 61/931/2020.

2.   We have heard Mr. Ashwani Sharma, learned counsel for the applicants and Mr. Amit Gupta, learned Additional Advocate General and perused the contents of the O.A. The applicants in this O.A. have contended that:

> (i)   They were appointed as Technician-III in PD Department on different dates in different divisions/sub divisions of District Jammu. The applicants seek direction to the respondents to place the applicants in the pay scale of Rs.5000-8000 revised from time to time with all consequential benefits, in view of Hon'ble High Court of Jammu and Kashmir Judgments dated 08.05.2017 passed

in SWP No. 809/2001 and 26.02.2018 passed in SWP No. 292/2018 and also of this Tribunal's Order dated 21.10.2020 passed in OA 61/931/2020.

(ii)   The applicants, being similarly placed with those to whom the pay scales have been granted, submitted a representation dated 03.11.2020 to consider their cases in terms of aforesaid Judgments/Order but it has not yet been decided.

3.   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 DAG seeks adjournment to file counter affidavit.

4.   However, the O.A. is disposed of at the admission stage itself with direction to the Respondent No. 2 i.e Chief Engineer, Jal Shakti (PHE) Department, Jammu to decide the pending representation of the applicants dated 03.11.2020 (Annexure-V) within one month 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 Rs5000-8000/- (pre-revised) to them as per provisions of relevant Rules and in terms of Hon'ble High Court of Jammu and Kashmir Judgments dated 08.05.2017 passed in SWP No. 809/2001 and 26.02.2018 passed in SWP No. 292/2018 and also of this Tribunal's Order dated 21.10.2020 passed in OA 61/931/2020. 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.

5.   No order as to costs.

(ANAND MATHUR)   **(RAKESH SAGAR JAIN)**
MEMBER (A)   **MEMBER (J)**

/M.M/