

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing



O.A. No. 61/00227/2021

This the 15th day of February, 2021

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

1. Bal Krishan Age 42 years S/o Sh. Shallo Ram R/o Village Ranjan, Bantalab, Jammu, Pincode-181122.
2. Ram Lal Age 50 years S/o Sh. Karam Chand R/o Hira Chack Tehsil Marh, District Jammu Pincode-181206.
3. Mulakh Raj Age 42 years S/o Sh. Kaushal Dass R/o Keeran, Bantalab, Jammu, Pincode-181123.
4. Labha Ram Age 46 years S/o Sh. Billo Ram R/o Tou Khalsa, Tehsil Akhnoor, District Jammu, Pin Code 181201.
5. Narinder Kumar Age 50 years S/o Sh. Sewa Ram R/o Gol Gujral Camp, Jammu Pin Code 180002.

.....Applicants

(Advocate: Mr. Ashwani Sharma)

Versus

1. UT of Jammu and Kashmir Through Principal Secretary to Government, Power Development Department, Jammu and Kashmir, Civil Secretariat, Jammu Pin Code.-180001.
2. The Managing Director, JPDCL, Jammu Pin Code-180001.
3. The Chief Engineer, JPDCL (Distribution), Canal Road, Jammu. Pin Code-180001.

.....Respondents

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

O R D E R [O R A L]

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



Mr. Bal Krishan and four others have jointly filed this O.A. under Section 19 of Administrative Tribunal 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 from the date of their appointment as Technicians-III and IV and adjustment as Line Erector, Electrician, Telephone Operators, Switch Board Attendance (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.

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 and Technician-IV in PD Department in different divisions/sub divisions of District Jammu. They were allotted various wings and were designated as Line Erector, Telephone Operators, SBA etc. 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 they 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 the

Division Bench of the Hon'ble Supreme Court in SLP Nos.23074- 23075/2014 challenging the J & K High Court 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 to whom the pay scales have been granted, submitted a representation dated 22.07.2020 to consider their cases in terms of order dated 29.07.2013 in LPASW No. 58/2013 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. 3 i.e the Chief Engineer, Kashmir, Power Development Corporation Ltd (O&M) Srinagar (KPDCL) to decide the pending representation of the applicants dated 22.07.2020 (Annexure-IV) 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 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.



5. No order as to costs.

(ANAND MATHUR)
MEMBER (A)

/M.M/

(RAKESH SAGAR JAIN)
MEMBER (J)