



Central Administrative Tribunal Jammu Bench, Jammu

O.A. No.872/2020
M.A. No.1398/2020

Wednesday, this the 30th day of September, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

1. Anoop Kumar, age 48 years
s/o Sh. Oma Kant
r/o Pounichak Khanpur, Jammu
2. Kulbir Singh, age 45 years
s/o sh Baldev Singh
r/o Padrorh, Jammu
3. Surinder Paul Sharma, age 43 years
s/o Sh Madan Lal Sharma
r/o 512, Housing Colony, Janipur, Jammu
4. Tervany Dutt, age 48 years
s/o Sh. Bhram Dutt
r/o Rattian, RS Pura, Jammu
5. Amarjeet Sharma, age 47 years
s/o Lt. Sh. Shiv Dass
r/o Jagti Nagrota, Jammu
6. Ripu Daman Gupta, age 36 years
s/o Lt. Sh. Banwari Lal Gupta
r/o 681, Mohalla Darugiran, Jammu

...Applicants

(Mr. Rohit Kohli, Advocate)

Versus

1. Union Territory of Jammu & Kashmir,
Through Principal Secretary to Government,
Power Development Department,



Jammu & Kashmir
Civil Secretariat, Jammu

2. The Managing Director,
Jammu Power Distribution Corporation Ltd. (JPDCL)
Jammu
3. Chief Engineer,
Jammu Power Distribution Corporation Ltd. (JPDCL)
Jammu
4. Executive Engineer Electric Division-1st (JPDCL)
Jammu
5. Executive Engineer Electric Division-2nd (JPDCL)
Jammu
6. Executive Engineer STD-1st (JPDCL)
Jammu

...Respondents

(Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

M.A. No.1398/2020

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

O.A. No.872/2020

The applicants filed this O.A. seeking a direction to the respondents to consider their cases for grant of pre-revised pay scale of Rs.220-430 from the date of their initial placement as Technician-III on appointment/promotion as Line Erectors, Electricians, Telephone Operators, Switch Board Attendance (SBA) and Fitters, with all subsequent pay revisions from time



to time, in light of J&K High Court order dated 29.07.2013 in LPA No. 58/2013 (**State of J & K v. Joginder Singh & others**). That judgment is said to have attained finality with the decision of the Hon'ble Supreme Court dated 10.01.2018 in SLPs No. 23074-75/2014 (**State of J & K & others V. Javeed Ahmed Khan & others** with clubbed matters).

2. In the OA, the main submissions of the applicants are that –

- (i) they were appointed as Technicians – III & IV in the Power Development Department (PDD) in different divisions/sub divisions of Jammu district and designated as Line Erectors, Electricians, Telephone Operators, Switch Board Attendance (SBA), Fitters etc. and that their service is governed by Jammu and Kashmir Power Development (Subordinate) Service Recruitment Rules, 1981;
- (ii) the controversy involved in the present case has been settled by the Hon'ble High Court of Jammu & Kashmir order dated 29.07.2013 in LPA No.58/2013 and Hon'ble Supreme Court order dated 10.01.2018 dismissing SLPs No. 23074-75/2014;
- (iii) in view of the above Hon'ble High Court order, the respondents have subsequently granted the pre-revised pay scale of Rs.220-430 to the petitioners therein;



(iv) they are also similarly situated with the petitioners in the above Hon'ble High Court order, hence are also entitled for grant of pre-revised pay scale of Rs.220-430 from the date of their initial appointment as the posts on which they joined service are equivalent to those which carry pay scale of Rs.220-430 (Pre-revised) under Schedule I of J&K PDD Subordinate Service Recruitment Rules 1981;

(v) since the respondents have granted the pre-revised pay scale of Rs.220-430 to similarly placed other employees of the respondent corporation, they have submitted representations (Annexure A-6 (colly.)) to the respondents but even then, their grievance has not been redressed; and

(vi) in other OAs, such as OA No. 061/00181/2020 (**Shahnawaz Butt & others v. UT of J & K & others**) filed by similarly placed other employees of the respondent corporation, this Tribunal has directed the respondents to consider and decide the cases of the applicants therein.

3. Therefore, the applicants herein also seek similar direction to the respondents to consider their case. Respondents' counsel has no objection to such disposal of the O.A.



4. We heard Mr. Rohit Kohli, learned counsel for applicants and Mr. Amit Gupta, learned Additional Advocate General, at the stage of admission, through video conferencing.

5. From the record, it is evident that the issue raised in this OA was dealt with earlier by the Hon'ble High Court of Jammu & Kashmir and the Hon'ble Supreme Court. In the recent past, this Tribunal disposed of several OAs with a direction to consider the representations, keeping in view, the judgment of Hon'ble High Court and Hon'ble Supreme Court.

6. Hence, we dispose of the OA directing the respondents to pass orders within 3 months, on the representation of the applicants, duly verifying whether their claim is similar to that one dealt with in the judgments relied upon by them. We make it clear that we did not express our view on the merits of the case.

7. There shall be no order as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

September 30, 2020
/sunil/rk/neha/dsn