



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/251/2020
M.A. No.61/131/2020

Wednesday, this the 15th day of July, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

1. Sudesh Kumar, age 54 years
S/o Shri Mansa Ram
R/o Dhardugnoo, District Kathua
2. Bharat Bhushan, age 44 years
S/o Late Shri Mansa Ram
R/o Dhardugnoo, District Kathua
3. Shiv Dass Kattal, age 52 years
S/o Shri Om Prakash
R/o Dungra, District Kathua
4. Rajinder Kumar, age 45 years
S/o Shri Ramesh Chander
R/o 265/A, Rani Talab Digiana, Jammu
5. Pawan Kumar, age 48 years
S/o Dewan Chand
R/o Rattanpur Gurdial
6. Rupash Kumar, age 46 years
S/o Late Shri Kanya Lal
R/o 31/A, Lane No.4, Bharat Nagar Bantalab
Jammu
7. Pawan Kumar, age 50 years
S/o Shri Bal Ram,
R/o Rajal Tehsil Nowshera,
District Rajouri
8. Nirmalprit Singh, age 51 years
S/o Shri Isher
R/o H.No. 91, Preet Nagar, Digiana
Jammu

9. Pankay Kumar Padha, age 40 years
S/o Shri Hardesh Chander Padha
R/o Rajpura Mangotrian, Jammu
10. Shamsheer Singh, age 52 years
S/o Shri Jodha Ram
R/o Mattu Tehsil Khour District Jammu
11. Harbans Singh, age 56 years
S/o Shri Chattar Singh
R/o Nikkian Marchengi
Tehsil Khour District Jammu
12. Ranjeet Kumar, age 28 years
S/o Shri Bihari Lal
R/o Rakh Malal Post Khour
Jammu
13. Suresh Kumar, age 46 years
S/o Shri Madan Lal,
R/o Deon Samba Tehsil Bari Brahmana, Jammu
14. Ravi Singh, age 51 years
S/o Shri Yojender Singh
R/o Village Langth (Supwal),
District Samba
15. Rajinder Singh, age 53 years
S/o Shri Bhagat Ram
R/o Old Railway Line, Miran Sahib,
R.S. Pura, Jammu
16. Subash Kumar, age 48 years
S/o Shri Krishan Lal
R/o Lower Barnai, P.O. Muthi,
Tehsil & District Jammu
17. Rakesh Gupta, age 45 years
S/o Late Shri B.L. Gupta,
R/o Village Kohag, Tehsil Billawar
District Kathua
18. Raj Kumar, age 48 years
S/o Shri Amar Nath
R/o Bakhan Chack Samba
19. Sanjay Datta, age 52 years
S/o Late Shri Pitamber Nath Datta
R/o W.No. 3, Samba
20. Harinder Singh, age 48 years
S/o Shri Isher Singh
R/o Meen Charkan,
Tehsil & District, Jammu

...Applicants

(Mr. Ashwani Sharma, Advocate)

Versus

1. Union Territory 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,
JPDCL, Jammu
 4. Executive Engineer,
EM&RE-I & II, Jammu
 5. Executive Engineer,
ED-I, Parade
 6. Executive Engineer,
ED-III, Jammu
 7. Executive Engineer,
STD, Kalakote
 8. Executive Engineer,
EM&RE, Vijaypur
- ...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General, for respondents)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Sudesh Kumar, son of Shri Mansa Ram, resident of Dhardugnoo, District Kathua and 19 others have filed this OA on 10.07.2020. In this, they seek direction to the respondents to grant them the pay scale of Rs.220-430 (pre-revised) with all subsequent revisions from time to time from the date of their appointment as Technician-III and to release consequential benefits to them, particularly in view of J&K High Court judgment in LPA 58/2013 dated 29.07.2013 in **State of J&K through Commissioner Secretary to Govt. PDD Vs. Joginder Singh & ors.**

2. We have heard today the applicants' counsel Mr. Ashwani Sharma and respondents' counsel Mr. Sudesh Magotra, DAG.

3. The main contention of the applicants in the OA and during arguments of their counsel is that they were appointed as Line Erectors, Meter Readers, Telephone Operators/Switch Board Attendants, Fitters, etc. in different divisions of Jammu and have been working as such till date. For non-grant of pre-revised pay scale of Rs.220-430 and subsequently revised pay scale of Rs.4000-6000, some similarly placed persons approached the High Court and their petition was disposed of with direction to the respondents therein to place them in the pay scale of Rs.4000-6000 (revised). The decision of the Single Bench of the High Court was upheld by the Division Bench and subsequently challenged in the Apex Court but the respondents could not succeed. Thereafter a communication was sent by PDD department to Development Commissioner (Power), J&K, Srinagar on 26.09.2018 for necessary action.

4. The applicants also approached respondent no.3 with a representation dated 09.03.2020 but their grievance has still not been redressed. Therefore, this OA has been filed.

5. After arguing for some time, the applicants' counsel submitted that the applicants would be satisfied if this OA is disposed of at this stage, as has been done in similar cases, with direction to respondents to consider their representation dated 09.03.2020 and decide it in a time bound manner.

6. In view of the above submission, the OA is disposed of at this stage with direction to respondent no.3, the Chief Engineer, JPDCL, Jammu to consider the pending representation of the applicants dated 09.03.2020 as per provisions of the relevant rules and decide it with a well reasoned and

speaking order within 45 days from the date of receipt of a copy of this order. While examining the case, the respondents should also consider as to whether the applicants' claim has become stale and dead, as per the law laid down in a number of Supreme Court decisions. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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