



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/273/2020
M.A. No.61/143/2020

Friday, this the 17th day of July, 2020

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

1. Madan Lal, Age 51 years,
S/o Sh. Feetu Ram, R/o Plahi
Tehsil Basholi, District Kathua
2. Kailash Kumar, Age 52 years,
S/o Sh. Shiv Ram R/o Ward No.1,
Basholi Tehsil, Basholi District Kathua
3. Ashok Kumar, Age 54 years,
S/o Sh. Krishan Chand R/o Rehan
Basholi Tehsil, Basholi District Kathua
4. Devinder Kumar, Age 52 years
S/o Shri Anant Ram,
R/o Ward No.3, Basholi, Tehsil Basholi
District Kathua
5. Gagan Sharma, Age 40 years
S/o Shri Shanti Saroop,
R/o Ward No.16, Basholi, Tehsil Basholi
District Kathua
6. Raj Kumar Sharma, Age 46 years
S/o Shri Rishi Kumar Sharma,
R/o Dadwara, P/O Bhaddu, Tehsil Billawar
District Kathua

...Applicants

(Mr. Mohinder Kumar, Advocate)

Versus

1. Union Territory of Jammu and Kashmir through Commissioner/ Secretary to Government, Power Development Department, Civil Secretariat, Jammu/Srinagar
2. Chief Engineer (Distribution), Jammu Power Distribution Corporation Ltd. Jammu.
3. Executive Engineer, Elect Maintt & RE Wing
JPDCL, Kathua ...Respondents

(Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Madan Lal, son of Mr. Feetu Ram, resident of Plahi, Tehsil Basholi , District Kathua and five others have filed this OA jointly on 13.07.2020. They seek direction to respondents to grant them pre-revised pay scale of Rs.220-430 as per Schedule I appended to J&K PDD Subordinate Service Recruitment Rules, 1981 from the date of their appointment on promotion as Meter Readers with subsequent revisions as per J&K High Court order dated 11.10.2012 in SWP No.2631/2009, **Yash Paul and ors. Vs. State of J&K** and High Court decision dated 28.01.2014 in LPA No.63/2013.

2. We have heard Mr. Mohinder Kumar, learned counsel for the applicants and Mr. Amit Gupta, AAG on behalf of respondents.
3. In the OA, the main contention of the applicants is that they have been working as Technicians (Meter Readers) in pre-revised pay scale of Rs.220-430 but they have not been given benefit of that pay scale and have been placed in the pay scale of Rs.200-320. For Meter Inspectors and other posts mentioned in Schedule – II of the Service Recruitment Rules, 1981 do not include Meter Readers as one of the feeder cadres. Various other Meter Readers of PDD Department filed several Writ Petitions including SWP No.2631/2009 (supra), which was disposed of

on 11.10.2012 by a Single Bench. Thereafter, this decision was upheld by the Division Bench of High Court on 29.07.2013 and challenge to it by the respondents in the Supreme Court has also not succeeded as per the order dated 10.01.2018.

4. In the above background of the case, the applicants seek grant of pay scale of Rs.220-430 from the date of their appointment but it has not yet been sanctioned by the respondents.

5. The applicants' counsel during the course of arguments submits that the applicants would be satisfied if this OA is disposed of at this stage with a similar order as has been passed by this Tribunal in OAs of other similarly placed employees of JPDCL, Jammu, directing the respondents to decide their case in a similar manner. The respondents' counsel has no objection to such disposal of the OA.

6. In view of the above submissions, this OA is disposed of at this stage with direction to the respondents to treat a copy of this OA as a representation of the applicants and decide it with a reasoned and speaking order as per provisions in the applicable relevant rules and the High Court decision relied upon by the applicants passed in case of similarly placed other employees of the respondent-Corporation. While considering the applicants' case, the respondents should also examine their eligibility as to whether their claim has become stale or dead as per the view taken in a number of Supreme Court decisions. This exercise should be completed by the respondents within 60 days from the date of receipt of a copy of this order. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

/dkm/

(Dr. Bhagwan Sahai)
Member (A)