



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/268/2020
M.A. No.61/137/2020

Friday, this the 17th day of July, 2020

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

1. Abul-Lais Gagroo, Aged 49 years,
S/o Late Sh. Abdul Kabir Gagroo, R/o Near
Veterinary Hospital, Kishtwar, Tehsil & District Kishtwar.
2. Abdul Qayoom Sheikh, Aged 58 years, S/o Sh. Ghulam
Haider Sheikh, R/o Astan Pain, Kishtwar, Tehsil & District
Kishtwar.
3. Farooq Ahmed Butt, Aged 45 years, S/o Sh. Ghulam
Rasool Butt, R/o Village Bhagwah, Doda, Tehsil and
District Doda.
4. Mohammad Iqbal Qazi, Age 50 years, S/o Sh. Sader
Din Qazi, R/o Bhaderwah, District Doda.
5. Anil Kumar, Age 52 years, S/o Sh. Puran Nath, R/o Village
Buttla, Bhaderwah, Tehsil Bhaderwah, District Doda.
6. Aftab Ahmed Shah, Aged 46 years, S/o Sh. Abdul Rashid Shah,
R/o Village Shahpura Palmar, Tehsil Palmar, District Kishtwar.
7. Neeraj Kumar, Aged 45 years, S/o Late Sh. Sat Pal, R/o Village
Sungli Bhaderwah, Tehsil Bhaderwah, District Doda.
8. Anar Singh, Aged 48 years, S/o Sh. Chandu Lal, R/o Village
Nalthi Bhaderwah, District Doda.
9. Sudershan Kumar Sharma, Aged 47 years, S/o Sh. Kahan Chand,
R/o Village Bharote, District Doda.
10. Gulzar Ahmed Butt, Aged 47 years, S/o Sh. Mohammad Sharief
Butt, R/o Bhaderwah, District Doda.

11. Saleem Ahmed Tak, Aged 48 years, S/o Mohammad Asadulah, R/o Bhaderwah, District Doda.
12. Sanjay Kumar Sharma, Aged 44 years, S/o Sh. Dev Raj Sharma, R/o Kishtwar, Tehsil and District Kishtwar.
13. Javed Iqbal Malik, Aged 51 years, S/o Sh. Abdul Subhan Malik, R/o Malik Mohalla, Near Asraria Park, Kishtwar, Tehsil and District Kishtwar.
14. Ajay Kumar Sen, Aged 48 years, S/o Sh. Tilak Raj, R/o Village Zellna, Kishtwar, Tehsil and District Kishtwar.
15. Zakir Hussain Butt, Aged 54 years, S/o Ghulam Mohammad Butt, R/o Shaheedi Mohalla, Kishtwar, Tehsil and District Kishtwar.
16. Ishtiaq Hussain, Aged 53 years, S/o Ghulam Rasool Wani, R/o Village Kewa Bonjwan, District Kishtwar.
17. Madan Lal, Aged 55 years, S/o Sh. Chunni Lal, R/o Village Bherabhatta, Kishtwar, Tehsil and District Kishtwar.
18. Mushtaq Ahmed Mughal, Aged 51 years, S/o Sh. Ghulam Hussain, R/o Village Kilotran, Tehsil Gandoh, District Doda.
19. Mohammad Amin, Age 41 years, S/o Syed Ali, R/o Village Shiva, District Doda.
20. Javed Iqbal Kagazghar, Age 41 years, S/o Ghulam Mustafa, R/o Haveli Mohalla, Bhaderwah, District Doda.
21. Pankaj Mehta, Age 42 years, S/o Sh. Ved Rattan Mehta, R/o Seri Bazar Bhaderwah, Tehsil Bhaderwah, District Doda.
22. Firdous Ahmed Ahanger, Age 48 years, S/o Sh. Abdul Aziz Ahanger, R/o Village Bhagna Chirool, Tehsil Nagseni, District Kishtwar.
23. Rajinder Kumar Sharma, Age 53 years, S/o Sh. Kunj Lal Sharma, R/o Village Poochal Kishtwar, Tehsil and District Kishtwar.
24. Manesh Kumar, Age 49 years, S/o Late Sh. Prakesh Ram, R/o Village Kuleed, Panditgam Kishtwar, Tehsil and District Kishtwar.
25. Bharat Bhushan, Age 49 years, S/o Sh. Tilak Raj Sharma, R/o Village Berabhata Kishtwar, Tehsil and District Kishtwar.
26. Mehraj Din Dev, Age 48 years, S/o Late Sh. Ghulam Rasool, R/o Shaheedi Mohalla Kishtwar, Tehsil and District Kishtwar.

27. Irshad Ahmed Malik, Age 47 years, S/o Sh. Abdul Rashid Malik, R/o Village Cherhar, Kishtwar, Tehsil and District Kishtwar.

28. Sandeep Mehta, Age 48 years, S/o Sh. Ved Rattan Mehta, R/o Seri Bazar Bhaderwah, Tehsil Bhaderwah, District Doda.

29. Shiverjit Singh, Age 49 years, S/o Ghan Shayam Singh, R/o Village Sartangal Bhaderwah, Tehsil Bhaderwah, District Doda.

30. Ajeet Kumar, Age 47 years, S/o Prem Nath, R/o Village Baghana, Matta Kishtwar, Tehsil and District Kishtwar.

31. Suresh Kumar, Age 49 years, S/o Sh. Lekh Ram, R/o Village Village Jora Kalan, Block Thathri, Tehsil Thathri, District Doda.

32. Irshad Ahmed Butt, Age 48 years, S/o Abdul Gani Butt, R/o Village Poochal, Kishtwar, Tehsil and District Kishtwar. ...Applicants

(Mr. Faheem Shokat Butt, Advocate)

Versus

1. Union Territory of Jammu and Kashmir through Principal Secretary to Government, Power Development Department, Civil Secretariat, Srinagar/Jammu.
2. Managing Director, Jammu Power Distribution Corporation Ltd. (JPDCL), Jammu.
3. Managing Director, J&K Power Transmission Corporation Ltd., Jammu/Srinagar.
4. Managing Director, J&K Power Corporation Ltd. (JKPCL), Jammu/Srinagar.
5. Chief Engineer (Distribution), Jammu Power Distribution Ltd. (JPDCL), Canal Road, Jammu.
6. Chief Engineer, Transmission, Jammu ...Respondents

(Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Abul-Lais Gagroo, son of Late Mr. Abdul Kabir Gagroo, resident of Near Veterinary Hospital, Kishtwar and 31 others have filed this OA on 14.07.2020. They seek direction to the respondents to grant them pre-revised pay scale of Rs.220-430 from the date of their appointment as Technicians Grade-III and adjustment as Line Erectors, Electricians etc., with subsequent revision from time to time.

2. We have heard Mr. Faheem Shokat Butt, 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 were appointed on 22.09.1998 on Technician-III posts and posted as Line Erectors, Electricians and, Switch Board Attendants, etc. Many other similarly placed persons filed SWP 2229/2011 in J&K High Court seeking grant of pre-revised pay scale of Rs.220-430/-, which was subsequently revised to Rs.4000-6000/-. This SWP was allowed and it was further upheld by a Division Bench of the High Court on 29.07.2013 in LPA 58/2013 (**State of J&K and anr. Vs. Joginder Singh and ors**). Challenge to the High Court order could not succeed in the Apex Court as per the decision dated 10.01.2018. Subsequently, the High Court decision came to be implemented by Govt.'s order dated 13.10.2009. Their case has also been forwarded on 05.06.2020 by Chief Engineer, Distribution (JPDCL) Jammu to all Executive Engineers of JPDCL for taking necessary action to file compliance report. However, the applicants have not yet been granted the requested pay scale.

4. During arguments, the applicants' counsel submits that the applicants would be satisfied if this OA is disposed of at this stage with

direction to the respondents to decide their case as already directed by this Tribunal in several other OAs such as in OA 61/83/2020 decided on 23.06.2020. The respondents' counsel has no objection to such disposal.

5. In view of the above submissions, the OA is disposed of at this stage with direction to the respondents to consider a copy of the present OA as a representation of the applicants and decide it as per provisions under the relevant service rules and the High Court order relied upon by the applicants, within 60 days from the date of receipt of a copy of this order. While examining the applicants' case, the respondents should also consider as to whether their claim has become stale or dead as per the view taken 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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