



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/283/2020

M.A. No.61/152/2020

Tuesday, this the 21st day of July, 2020

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

1. MOHD SALEEM Age 55 years
S/o Sh. Maqsood Ahmed
R/o Ward No. 13, Tehsil & District Kathua
PIN Code 184101
2. KAMAL KANT Age 55 years
S/o Sh. Mohan Lal
R/o Uttri Post office Bhalwal
Tehsil & District Kathua-184101
3. KULDEEP RAJ Age 51 years
S/o Sh. Jagdish Chander
R/o Sanyal, Tehsil Hiranagar
District Kathua- 184142
4. RAKA SHASHI Age 50 years
S/o Sh. Tirath Ram
R/o Ward no. 10, Parliwand
Tehsil & District Kathua
PIN Code 184101
5. SOM RAJ Age 58 years
S/o Sh. Prem Nath
R/o Village Chan Matloni
Tehsil & District Kathua
PIN Code 184101
6. SHIV CHARAN SINGH Age 53 years
S/o Late Sh. Mukand Singh
R/o Bharwal Tehsil & District
Kathua-184143
Mobile No. 8716972881

7. RAMESH LAL Age 51 years
S/o Sh. Des Raj
R/o village Ghagwal
Tehsil & District Kathua-184141
 8. RAKESH KUMAR Age 49 years
S/o Sh. Krishan Kumar
R/o House No. 5, Ward no. 13,
Tehsil & District Kathua-184101
 9. MANJEET SINGH BALORIA Age 49 years
S/o Sh. German Singh Baloria
R/o Village Gurha Jattan
Tehsil & District Samba-184121
 10. ROMESH LAL Age 52 years
S/o Sh. Babu Ram
R/o Keran Tehsil & District Kathua-184101
 11. SANJEEV KUMAR Age 51 years
S/o Sh. Khem Raj
R/o Village Nonath Tehsil Hiranagar
District Kathua-184142
 12. NEELAM SINGH Age 50 years
S/o Sh. Tapsawi Singh
R/o Sehwn Tehsil Hiranagar
District Kathua-184142
 13. SUKHDEV SINGH Age 52 years
S/o Sh. Labh Singh
R/o Gurha Jattan, Ghagwal
District Samba-184141
 14. MANMOHAN Age 51 years
S/o Sh. Jugal Kishore
R/o Ward no. 10, Near Tube Well,
Tehsil & District Kathua- 184101
 15. VERINDER KUMAR Age 51 years
S/o Sh. Ram Krishan
R/o Ward No. 4/9, Hiranagar
District Kathua-184142
 16. JAGJEET SINGH Age 51 years
S/o Sh. Gurcharan Singh
R/o Near Old Bus stand, Tehsil & District
Kathua-184101
- ...Applicants

(Mr. Anil Khajuria, Advocate)

Versus

1. THE UNION TERRITORY OF JAMMU AND KASHMIR,
Through its Principal Secretary to Government,
Power Development Department,
Civil Secretariat, Jammu

clubbed matters (titled **State of J&K Vs. Joginder Singh & others**), which has attained finality in view of Apex Court order dated 10.01.2018 in SLP No.23074-75/2014. The order passed by J&K High Court in LPA 142/2008 dated 27.07.2009 (**Chief Secretary to Govt. Vs. Subash Chander & ors.**) confirmed the earlier order of 26.02.2008 passed in SWP No.2455/2001, which has been implemented by order dated 13.10.2009 in view of J&K High Court judgments in other SWPs (**Rajesh Kumar Vs. State of J&K and ors., Rajinder Singh & ors. Vs. State and Manish Chib & ors. Vs. State and others.**

2. We have heard today Mr.Anil Khajuria, applicants' counsel and Mr. Rajesh Thapa, DAG, on behalf of respondents.

3. In the OA, the applicants have stated –

- (i) that they were appointed on promotion as Technician-III and designated as Line Erectors, Switch Board Attendants, Telephone Operators, Fitters, Mechanics, etc. in the Power Development Department of State of J&K. Their services are governed by Jammu and Kashmir Power Development Department (Subordinate) Services Recruitment Rules, 1981 notified vide SRO 381 of 26.08.1981;
- (ii) the controversy involved in the present case has already been settled with the Apex Court order dated 10.01.2018 passed in SLPs No.23074-75/2014, (**State of J&K and ors. Vs. Javeed Ahmed Khan and ors.**) along with High Court judgment dated 27.07.2009 in LPA No.142/2008 and several other SWPs. Although the applicants have been holding Technician-III posts, the pay scale of Rs.220-430 has not been granted to them by the respondents and they have been given only the lower pay scale of Rs.200-320 (pre-

revised). As per the qualification prescribed under SRO 381 for Technician – III posts, they are entitled for pay scale of Rs.220-430. Although the posts of Technician-III on which the applicants have been working, were not included under the RRs of 1981 at the time of their appointment but on account of their continuous working on Technician-III posts, they are entitled for the above pay scale;

(iii) in the above mentioned High Court orders in respect of similarly placed other applicants, the respondents have granted them the pre-revised pay scale of Rs.220-430. The applicants have submitted a number of representations to the respondents such as on 20.06.2018, legal notice dated 13.09.2019 and the last representation to the Chief Engineer dated 25.05.2020. Even then the respondents have not yet redressed their grievance. Therefore, this OA.

4. During arguments, the applicants' counsel submitted that the applicants would be satisfied if this OA is disposed of with direction to the respondents to consider their case and decide it in view of the High Court decisions relied upon by them passed in case of similarly placed other employees of the respondent Corporation. The respondents' counsel has no objection to such disposal of the OA.

5. In view of the above submissions, we dispose this OA of with direction to the respondents to consider and decide the pending representations of the applicants, the latest being dated 25.05.2020, as per provisions in relevant Service and Pay Rules applicable to the applicants and in view of the High Court order relied upon by them, if applicable to them. While examining the representations of the applicants, 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. This exercise should be completed by the respondents within a period of 60 days from the date of receipt of a copy of this order. However, it is to be noted that we have neither expressed any opinion on merits of the applicants' case nor examined applicability of the case laws relied upon by them. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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