



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/282/2020
M.A. No.61/151/2020

Tuesday, this the 21st day of July, 2020

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

1. RAJINDER SINGH LAKHANPURIA Age 51 years
S/o Sh. Sardar Singh
R/o VPO Bharwal, Tehsil & District
Kathua- 184101
2. JOGINDER LAL Age 52 years
S/o Sh. Ram Lal
R/o ward no. 9 Tehsil & District
Kathua-184101
3. SURJEET SINGH Age 47 years
S/o Sh. Chagar Singh
R/o Ward no .11 Tehsil & District Kathua
PIN Code 184101
4. NARESH KUMAR Age 49 years
S/o Sh. Durga Dass
R/o Bhaddu Billawar District
Kathua-184204
5. NARESH KUMAR Age 50 years
S/o Sh. Isher Dass
R/o Bhaddu Billawar, District
Kathua- 184204
6. SANDEEP SHARMA Age 47 years
S/o Sh. Om Parkash Sharma
R/o Ward no. 6, Basholi District
Kathua-184201
7. SHIV KUMAR Age 51 years
S/o Sh. Dewan Chand Sharma
R/o Ward no. 7, Basholi
District Kathua- 184201

8. DEEPAK BILLAWARIA Age 50 years
S/o Sh. Baldev Singh
R/o Ward no. 1 Basholi
District Kathua-184201
9. DINESH SINGH Age 47 years
S/o Shri Amar Singh
R/o Bakhta Fore lane, Ward No. 16,
Upper Shiva Nagar, District Kathua
PIN Code 184101
10. MANOJ BALI Age 45 years
S/o Sh. Vishnu Dutt Bali
R/o Ward No. 8, Parliwand
Tehsil & District, Kathua
PIN Code 184101
11. KAMLESH BASOTRA Age 52 years
S/o Sh. Shub Karan
R/o Ward no. 10, Tehsil & District Kathua
PIN Code 184101
12. VIPIN GUPTA Age 55 years
S/o Sh. Suraj Parkash
R/o Ward no. 3, Tehsil & District
Kathua-184101
13. TIRATH RAM Age 49 years
S/o Sh. Chand Lal
R/o Chack Desa Singh Tehsil & District
Kathua- 184101
14. PAWAN SINGH Age 50 years
S/o Sh. Joginder Singh
R/o Chandwan Tehsil & District Kathua
PIN Code 184101
15. RAVINDER SHARMA Age 48 years
S/o Sh. Durga Dass
R/o Village Parngoli, Katli
Tehsil & District Kathua
PIN Code 184142

...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
2. THE CHIEF ENGINEER,
Electric Maintenance & Rural Electrification Wing,
Jammu.

3. THE CHIEF ENGINEER,
System and Operation Wing,
Gladni, Narwal, Jammu
4. THE CHIEF ENGINEER,
Distribution (JKPDCL)
Canal Road, Jammu
5. THE EXECUTIVE ENGINEER,
EM&RE Division, Kathua
6. THE EXECUTIVE ENGINEER,
Sub Transmission Division
Kathua
7. THE EXECUTIVE ENGINEER,
EM&RE Division, Vijaypur
8. THE EXECUTIVE ENGINEER,
EM&RE Division, Samba
9. THE EXECUTIVE ENGINEER,
Sub Transmission Division, Samba

(Mr. Rajesh Thapa, Deputy Advocate General)

ORDER (ORAL)

Dr. Bhagwan Sahai, Member (A):

Rajinder Singh Lakhnuria, son of Shri Sardar Singh, resident of VPO Bharwal, Tehsil and District, Kathua and 14 others have filed this OA on 15.07.2020 seeking direction to respondents to consider their case for grant of pre-revised pay scale of Rs.220-430 with all revisions from time to time from the date of their placement as Technicians Grade-III, when they were promoted as Line Erectors, Electricians, Telephone Operators, Switch Board Attendants, Fitters and Mechanics, etc., in light of J&K High Court order dated 29.07.2013 in LPA 58/2013 along with 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 respondents with 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 that –

- (i) 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 of 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 SLP No.23074-75/2014, (**State of J&K and ors. Vs. Javeed Ahmed Khan and ors.**) and judgments 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 those posts of Technician-III 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; and

(iii) in the above mentioned High Court orders in respect of similarly placed other applicants, the respondents have granted 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 the submissions, 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 with reasoned and speaking order 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 in view of the High Court orders relied upon by them, if they are for identically placed other employees. While examining the representation 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)