



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 1635/2020
(SWP No.259/2002)

Monday, this the 19th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Sudesh Kumar (Age 49 years),
S/o Shri Amar Nath,
R/o House No. 163/A,
New Plots,
Jammu.

...Applicant
(Mr. Gaurab Sharma, Advocate)

Versus

1. State of Jammu and Kashmir
Through Chief Secretary
New Secretariat,
Jammu.
2. Chief Engineer,
Public Health Engineering Department,
Jammu
3. Executive Engineer,
Public Health Engg. Division
(Mechanical South),
Jammu

...Respondents
(Mr. Sudesh Mangotra, Deputy Advocate General)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

This is a third round of litigation by the applicant in his endeavor to get as much as possible from the Government, in the form of wages.

2. The applicant joined the service of Public Health Engineering (PHE) Department as a Welder, in the year 1987. On 15.07.1987, the Executive Engineer passed an order, bringing the applicant under the pay scale of Rs.475-850, in terms of SRO No.149 dated 07.04.1997. Shortly thereafter, it was withdrawn, obviously because he was not the competent authority. The applicant filed SWP No.367/1988 before the Hon'ble High Court of Jammu & Kashmir, challenging the order of withdrawal. The SWP was disposed of 18.11.1996 by directing the respondents to consider the case of the applicant for extending the benefit of Grade I Welder as per the Rules.

3. The applicant filed contempt case before the Hon'ble High Court. That was dismissed on 26.06.1998, holding that the order passed in SWP stood complied with, in all respects.

4. The applicant did not stop at that. He filed SWP No.1935/1998 before the Hon'ble High Court once again



claiming the benefit under SRO No.59 of 1990 dated 06.02.1990 and the revised pay scales. That SWP was disposed of on 06.07.2001, directing the respondents to consider the case of the applicant and in case his claims cannot be accepted, to pass a reasoned order. Through order dated 27.12.2001, the respondents rejected the claim of the applicant. Challenging that, the applicant filed SWP No.259/2002 before the Hon'ble High Court. He narrated the entire background and stated that he is entitled to be extended the benefits under SRO No.59 of 1990 dated 06.02.1990. The applicant contends that he fulfills all the conditions stipulated in the SRO and still he was denied the benefits.

5. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the case of the applicant was considered from time to time, as directed by the Hon'ble High Court and the benefits, which, he is otherwise entitled to, were extended to him. According to them, the post of Grade I Welder is a promotional post and since the applicant was not in the feeder category, the benefit was not extended. It is also stated that he was promoted in the year 1999 when he became eligible. The applicant retired from service in 2011.



6. Today, we heard Mr. Gaurab Sharma, learned counsel for applicant and Mr. Sudesh Magotra, Deputy Advocate General.

7. The applicant carried out the unrelenting legal battle for the past about three decades. Initially, it was in connection with the extension of benefit of pay scale. Though the Executive Engineer extended the benefit, it was withdrawn. In compliance with the directions of the Hon'ble High Court in SWP No.367/1988, all the permissible benefits were extended. Not satisfied with that, he filed SWP and the Hon'ble High Court rejected it pointblank. The SWP filed by him ended in giving him conditional directions, namely, to extend him the benefit in case he is otherwise fit. The respondents passed a detailed order in this behalf.

8. For all practical purposes, the applicant went on canvassing the claim, which was rejected at the earliest. Once the Hon'ble High Court did not grant any specific relief in terms of SRO No.59 of 1990 dated 06.02.1990, there was no basis for the applicant to repeat the same in successive SWPs.

