

**Central Administrative Tribunal
Jammu Bench, Jammu**



O.A. No. 865/2020

Friday, this the 16th day of April, 2021

(Through Video Conferencing)

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

1. S. Ramnik Singh s/o S Kehar Singh
r/o Village Deoli,
Tehsil Bishnah District Jammu 181132
Age 56 years
2. Sher Singh s/o Sh. Angrez Singh
r/o H.No.135
Toph Sherkhania, Jammu 180001
Age 54 years
3. Des Raj s/o late Sh. Kartar Chand
r/o Village Hakal PO Satwari, Jammu 180003
age 52 years
4. Bharat Bhushan s/o late Sh. Ram Krishan
r/o Village Dhatryal PO Karloop, Jammu 1812002
age 55 years
5. Shesh Kumar s/o late Sh. Kashmiru Ram
r/o Village Sari Rakhwan PO Bhadrore,
Jammu 180002
Age 53 years
6. Darshan Lal s/o late Shri Krishan Chand
r/o Gurha Bakshi Nagar, Jammu 1812001
age 55 years
7. Anil Kumar gupta, s/o Sh. Malik Ram Gupta
r/o Q. No.273, Rehari Colony, Jammu 180005
age 53 years

8. Dheeraj Mehta s/o Sh. Yash Paul Mehta
r/o 292 Vikram Nagar, Rehari Colony,
Jammu 180005
Age 48 years

..Applicants

(Mr. Kapil Gupta, Advocate)

VERSUS



1. U.T. of J&K
Through Principal Secretary to Government,
Power Development Department,
Civil Secretariat, Jammu/Srinagar
2. Managing Director, Jammu Power Distribution
Corporation Ltd., Jammu
3. Chief Engineer, Jammu Power Distribution Ltd., Jammu
4. Executive Engineer, JPDCL-III, Jammu

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants were appointed as Technician III in the Power Development Department. It is stated that at the stage of appointment, they were put in lesser scale of pay and as a result of prolonged litigation, the respondents have extended them, the benefit of the appropriate pay scale. The applicants have since been brought under the purview of the Jammu Power Distribution Corporation Limited (JPDC). The Chief Engineer, Distribution (JPDC), Jammu issued an order dated 05.08.2020 to all the Executive Engineers of various Units, requiring them to

inform whether the pay scale of Rs.220-430 (pre-revised) was extended to various employees with the approval of the competent authority. It was also directed to recover the benefits granted erroneously from all those applicants, who have been benefited. The applicants filed this O.A., challenging the communication dated 05.08.2020.



2. The applicants contend that the pay scales were enhanced and benefits were extended after prolonged litigation and a valuable right has accrued on account of that. They further submit that the Chief Engineer, Distribution (JPDCL), Jammu ought not to have passed the impugned order without issuing any notice to them.
3. The O.A. was admitted and the notices were issued to the respondents. Today, we heard Mr. Kapil Gupta, learned counsel for applicants and Mr. Sudesh Magotra, learned Deputy Advocate General.
4. The applicants were extended the benefit of scale of pay. The particulars thereof are not furnished. A letter addressed by the Chief Engineer reads:

“In reference to the subject cited above, it has come to the notice of this office that your office has granted the pay grade of Rs.220-430 (PR) without the approval of the competent authority.

In view of the above, you are directed to intimate as to whether any of the petitioner(s) have been allowed the pay scale of Meter Reader without the approval of the Government. You are also directed to recover the benefits granted erroneously from all those petitioners who have been benefited. The information about the same shall be reached to this office within weeks time positively.

Matter be treated as most urgent.”



5. On perusal of this, it becomes clear that the Chief Engineer wanted to ascertain as to whether the applicants were allowed the pay scale of Rs.220-430 (pre-revised) with the approval of the Government. To that extent, nobody can have any issue. However, the letter proceeds to direct the Unit Heads to recover the benefits, without hearing the affected parties. The recovery was directed even while calling for the necessary information. The Tribunal passed an interim order, staying the recovery of the applicants and this interim direction is extended from time to time. We are of the view that the same arrangement can be required to be continued.

6. The O.A. is disposed of with a direction to the respondents to pass a reasoned and speaking order, stating their point of view. Till then, there shall not be any recovery from the applicants. It is, however, left open to the respondents or any other authority to pass appropriate orders after issuing the show cause notices to the applicants for the proposed acts. The exercise in this behalf shall be completed within three months from the date of receipt of a copy of this order. If they fail to

complete it with the stipulated time, they shall be under obligation to restore the pay scales to the applicants.

There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sunil/dsn/sd/