

Item No. 15



**Central Administrative Tribunal
Jammu Bench, Jammu**

TA No. 3749/2021
(SWP No.2134/2020)

Monday, this the 22nd day of March, 2021

(Through Video Conferencing)

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

Er. Sheikh Mohammad Hussain & Others

..Applicants

(Mr. Suhaib Bandy, Advocate)

VERSUS

Department of Finance

...Respondents

(Mr. Amit Gupta, Additional Advocate General)

ORDER (Oral)**Mr. Justice L. Narasimha Reddy:**

The applicants herein retired as Chief Engineer and Development Commissioner, as the case may be, over the past about two decades. The Government issued SRO No.75 of 1992 revising the pay structure of different categories of employees. It is stated that substantial litigation pursued, challenging the correctness of pay structure in respect of some employees and the matter has assumed finality with the adjudication undertaken by the Hon'ble Supreme Court.

2. Recently on 14.09.2018, the Government issued a notification amending the clause pertaining to the pay structure of Superintending Engineers. Their pay scale was revised from Rs. 3150-4500 to Rs. 4500-5700, with a condition that it would be notionally available from 01.04.1987 but monetarily, from 01.04.1990. The grievance of the applicants is that the cascading effect of this revision in the higher post of Chief Engineer and Development Commissioner was not mentioned and that resulted in complete denial of the benefits, which were otherwise available to them. They claim to have made

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representations on 03.09.2018 and subsequent thereto, to the Advisor to the Governor, Jammu & Kashmir, with a request to undertake corresponding revision of pay scales for the posts of Chief Engineer and Development Commissioner also. Stating that no action has been taken thereon, the applicants filed SWP No.2134/2020 before the Hon'ble High Court of Jammu & Kashmir. They prayed for the multiple reliefs in this behalf.

3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.3749/2021.

4. Today, we heard Mr. Suhaib Bandy, learned counsel for applicants and Mr. Amit Gupta, learned Additional Advocate General.

5. The endeavor of the applicants is to get the corresponding enhancement, referable to the notification dated 14.09.2018. It has already been mentioned that a comprehensive revision of pay scale took place vide SRO No. 75 of 1992 and in the recent past, the pay scale for the post of Superintending Engineer was slightly revised. The notification reads:



“GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT-FINANCE DEPARTMENT

Notification

Srinagar, the 14th September, 2018

“SRO-403—In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to direct that the following amendment shall be made in the Jammu and Kashmir Civil Service (Revised Pay) Rules, 1992, namely:--

In the Schedule appended, the following shall be added as proviso 2nd, namely:-

“The Superintending Engineers only shall be deemed to have been placed in the Pay Scale of 4500-5700 in place of 3150-4500, which shall be available notionally w.e.f. 01-04-1987 and monetarily from 01-04-1990.”

6. The applicants do not have any qualms about this notification. Their grievance is that the corresponding benefit in the higher posts of Chief Engineer and Development Commissioner was not provided. The question as to whether the correction or revision was exclusively for the post of Superintending Engineer or whether it constituted the basis, so that the corresponding benefits would accrue to the post of Chief Engineer and Development Commissioner, etc., needs to be examined. The applicants are naturally under the impression that once an upward revision has taken place for the post of

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Superintending Engineer, the revision must be reflected in the higher post also. This, however, is a matter, which needs to be examined by the respondents in detail. We cannot express any opinion at this stage, since the representations submitted by the applicants are already pending.

7. We, therefore, dispose of the T.A., directing the competent authority, i.e. respondent Nos. 1 and 2, to pass appropriate orders on the representations submitted by the applicant on 03.09.2018 and subsequent thereto, within three months from the date of receipt of a copy of this order. We, however, make it clear that we did not express any view on the merits of the matter. Any benefit, which may result on account of such revision, shall be prospective in nature.

There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

March 22, 2021
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