



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5292/2021
(S.W.P. No.1688/2009)

Friday, this the 21st day of May, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Tarun Shridhar, Member (A)

1. Mohd. Iqbal, age 42 years,
S/o Sh. Abdul Ghani,
R/o Behrotew, Tehsil Thanamandi,
Distt. Rajouri.
2. Mohd. Sharief, age 45 years,
S/o Abdul Ghani,
R/o Tehsil & Distt. Rajouri.
3. Mohd. Akram, age 49 years,
S/o Said Mohd.,
R/o Mardpur, Tehsil & Distt. Rajouri.
4. Abdul Aziz, age 39 years,
S/o Mohd. Zaman,
R/o Bhattian, Tehsil Thanamandi, Distt. Rajouri.

... Applicants

(Nemo for appliant)

Versus

1. State of J&K through Commissioner/Secretary to Govt.
PHE & Flood Control Deptt., Civil Sectt. Srinagar.

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2. Commissioner/Secretary to Government, Finance Department, Civil Sectt., Srinagar.
3. Chief Engineer PHE, Jammu.
4. Superintendent Engineer Hydrolic Circle, Rajouri.
5. Executive Engineer, PHE Division, Rajouri.
6. Executive Engineer, PHE, Mechanical Div. Rajouri.

... Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (O R A L)

Hon'ble Mr. Tarun Shridhar:

The brief facts of the case are that the applicants were appointed as daily rated workers in the Public Health Engineering (PHE) Department under the Government of Jammu & Kashmir in the year 1987-88. The applicants got regularized as Helpers in the year 1994; and in accordance with the terms of SRO No. 64 of 1994, they went for ITI training in their respective trades. On the basis of their obtaining a diploma in ITI, a higher grade of Rs. 4000-6000 was released to them. Though the applicants are satisfied with the higher grade, they want their designation to be changed from Helper to that of Plumber/Fitter. To support their case, they draw analogy from the Department of Public Works (R&B), wherein, according to them, a similar provision exists.



2. 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.5292/2021.

3. Today, there is no representation for the applicant. Accordingly, we perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General.

4. The designation is strictly governed in terms of the nomenclature given in the Recruitment Rules and in the instant case, their appointment is to the post of Helper and they cannot be given a different nomenclature or designation, if it does not exist in the Recruitment Rules. The applicants place the documents on record to indicate that the Finance Department of Jammu & Kashmir had given a direction that the demand for change in the designation can only be made if appropriate amendment in the Recruitment Rules is made and till the amendment is made, such case will be decided on case to case basis in consultation with the Finance Department.

5. Since the appropriate financial benefits have already been accorded to the applicants on their obtaining the higher qualification *viz.* the ITI diploma, there is no further case before

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them to be covered by some other designation; and hence, the relief, they have sought in the T.A., cannot be accorded to them.

6. In view of the above, the present T.A. is dismissed. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 21, 2021
/sunil/lg/ankit/sd/