



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 4104/2020
(SWP No.1925/2003)

This the 25th day of January, 2021

(Through Video Conferencing)

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

1. Bhajan Dass S/o Late Sh. Dhani Ram
R/o V.P.O Khour Deonian, Tehsil R.S. Pura,
District Jammu
Aged 53 years
2. Naresh Kumar, S/o Late Sh. Sansar Chand
R/o Bishnah District Jammu
3. Kasturi Lal, S/o Late Sh. Chuni Lal
R/o H. No. 33/A, New Plot, Jammu
Aged 56 years

... Applicants

(through Ms. Manpreet Kaur, Advocate)

Versus

1. State of J & K, through Chief Secretary,
Govt. of J & K, Civil Secretariat, Srinagar
2. Principal Secretary to Govt.
Power Development Department,
Civil Secretariat, Srinagar
3. Chief Engineer, Commercial & Survey Wing
Power Development Department, Jammu
4. Chief Engineer, Maintenance & R E Canal Road,
Power House, Power Development Department, Jammu
5. Superintending Engineer,
Electric Maintenance & R E Division, Jammu
6. Executive Engineer
Electric Maintenance & R E Division-I, Parade, Jammu
7. Executive Engineer,
Electric Maintenance & R E Division-II, Gandhi Nagar,
Jammu ... Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicants are working as Lineman in the Power Development Department of Jammu & Kashmir. The Government issued SRO No.59 of 1990 prescribing the wages for different kinds of skilled staff. The post of Lineman has also figured therein at Sl. No.5.

2. The applicants filed SWP No.1925/2003 with a prayer to direct the respondents to extend them the benefit of SRO 59 of 1990. They contend that once the government has prescribed the wages through SRO No.59 of 1990, the respondents are under obligation to implement the same. It is also stated that in certain cases, the Hon'ble High Court of Jammu & Kashmir extended the benefit.

3. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the post of Lineman is part of the establishment in the Power Development Department, with a specific scale of pay and unless the Recruitment Rules are amended the benefit under SRO No.59 dated 06.02.1990 cannot be extended to them. It is also stated that the Hon'ble High Court passed an order directing the government to consider the feasibility of extending the benefit under SRO No.59 of 1990, and on a detailed examination thereof, the Finance Department has passed orders rescinding the SRO No.59 dated 06.02.1990.



4. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and renumbered as TA No.4104/2020.

5. We heard Ms. Manpreet Kaur, learned counsel for the applicants and Mr. Sudesh Magotra, learned Deputy Advocate General, in detail.

6. The applicants were working as Lineman at the relevant point of time, in the Power Development Department. Their effort is to get the benefit under SRO No.59 of 1990. That was issued in exercise of the power under Proviso 2 Section 124 of the Constitution of Jammu & Kashmir. It is not with reference to any specific cadre. On the other hand, it is for "a List of common posts in different wings of Public Works Department (Road and Building, Public Health Engineering, Irrigation and Flood Control, Urban Environmental Engineering Department)". Three separate grades of Lineman, namely, Grade-I, Grade-II and Grade-III, are mentioned therein with different scales of pay.

7. Once the SRO was with respect to a particular department, it would become difficult to apply the same in other departments, unless the rules are amended. Claiming of the relief by employees of other department has resulted in a situation where the government has chosen to withdraw SRO No.59 of 1990, itself. Therefore, the question of extending the benefit thereof, to the applicants does not arise. At any rate, the applicants have retired from service a long back.

8. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.



(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/pj/sunil/vb/ankit/neetu