

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/819/2021

This the 25th day of May 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

Krishan Singh, Age 73 years, S/o Sh. Jara Singh, R/o Village SAIR Tehsil
Kalakote Lane No. 2, District, Rajouri.

.....Applicant

(Advocate:- Mr. K Nirmal Kotwal)

Versus

1. Union Territory of J&K through Principal Secretary Power Development J&K
Govt. Civil Secretariat, Jammu-Srinagar-180001.
2. Chief Engineer Distribution Jammu, Power Distribution Corporation Ltd
(JPDCL)-180001.
3. Executive Engineer M&RE Division, Rajouri-185131.
4. Accountant General Canal Road Rajpura, Jammu-180001.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G./Mr. Raghu Mehta, Sr. C.G.S.C. for
Respondent No. 4.)

**ORDER
[ORAL]**

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The applicants Krishan Singh and two others have jointly filed this O.A. under Section 19 of Administrative Tribunal Act 1985 seeking direction to the respondents to grant them pay and grade attached to the post of Meter Readers in terms of SRO 381 as has been released in favour of similarly situated persons.

2. We have heard Mr. K. Nirmal Kotwal, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G. and Mr. Raghu Mehta, learned Sr. C.G.S.C. for the respondents and perused the contents of the O.A. The applicant in this O.A. have contended that :-

- (i) The applicant came to be engaged as Daily Wager and he was regularized in the Pay Scale of Rs. (390-500) by the DPC Convener Chief Engineer Electrical M&RE Jammu vide no. 245-CE dated 19.02.1983. Thereafter





the applicant was promoted as meter reader by DPC but the pay scale attached to the post of meter reader was not granted under J&K Subordinate Services Recruitment Rules notified vide SRO 381. It is submitted that the incumbents who were promoted as meter reader by Departmental Promotion Committee in the year 1983 and 1986 approached the Hon'ble High Court of J&K at Jammu through SWP No. 2229/2011 and other connected writ petition seeking fixation of proper pay scales attached to the post of Meter Reader as per SRO 381. The Writ Petitions were allowed vide judgement dated 11.10.2012, however, the Government of Jammu & Kashmir filed LPA (58/2013) against the judgement of learned Single Judge. The LPA (58/2013) was also dismissed vide judgement and order dated 29.07.2013. The Govt. of Jammu & Kashmir again filed SLP before the Hon'ble Supreme Court of India. The Hon'ble Apex Court has also dismissed the SLP filed by the Government. It has further submitted that one similarly situated person Sh. Mohd Shafi was also promoted by DPC in 1986 as meter reader but died during service, however, his wife Gull Begum approached the Hon'ble High Court and the Hon'ble High Court disposed of the Writ petition vide order dated 28.12.2018. The case of the applicant is similarly situated the only difference is applicant was promoted as meter reader in the year 1988, whereas others in 1983 and 1986.

3. The applicant's counsel submits that the applicant would be satisfied, if the present O.A is disposed of at this stage with direction to the respondents to grant the pay scale to them as per J & K High Court orders mentioned in the preceding paras.

4. Looking to the facts and circumstances of the case as well as the limited prayer made by the learned counsel for the applicant, the O.A. is disposed of at the admission stage itself with direction to the competent authority amongst the respondents to consider the prayer of the applicant for grant of pay and grade attached to the post of Meter Readers w.e.f, the date of their promotion and confirmation as meter reader taking into account the judgement dated 28.12.2018 passed in SWP No. 2667/2018 Gull Begum vs. State of J&K and ors, by passing a well reasoned and speaking order for grant of pay scale to them as per provisions of relevant Rules and the case law relied upon. While taking a decision the respondents shall also consider the question of delay viz-a viz stale and dead claim as per of law laid down by the Hon'ble Supreme Court of India.

5. No order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Manish/Shashi/Arun