

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/852/2021

This the 31st day of May 2021

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



1. Ghulam Mohammad (Age 41 years), S/o Mohammad Abbass, R/o Village Baroo Block Kargil Tehsil & District Kargil-194103.
2. Mohammad Shareef (Age 42 years), S/o Ghulam Hussain, R/o Village Tumail Block Kargil Tehsil & District Kargil-194103.
3. Mohammad Ali, (Age 50 years), S/o Sheikh Ghulam Hyder, R/o Village Youbaltak Block Kargil Tehsil & District Kargil-194103.
4. Sajad Hussain (Age 40 years), S/o Mohammad Ali, R/o Village Chachathang Block GMP Trespone Tehsil & District Kargil-194103.
5. Mohammad Sharef (Age 42 years), S/o GHulam Mohammad, R/o Village Barsoo Block Sankoo Tehsil & District Kargil-194103.
6. Khairun Nissa (Age 38years), D/o Mohammad Mussa, R/o Village Khandi Block Sahnkoo Tehsil & District Kargil-194103.
7. Ahsan Ali (Age 42 years), S/o Sheikh Mohammad Hassan, R/o Village Minjee Gound Block Kargil Tehsil & District Kargil-194103.
8. Mohammad Ali (Age 46 years), S/o Ghulam Mehdi, R/o Village Titichumick Block Kargil Tehsil & District Kargil-194103.
9. Zakir Hussain (Age 41 years), S/o Mohammad Raza, R/o Village Pashkum Block Shargol Tehsil & District Kargil-194103.
10. Mohammad Ali (Age 40 years), S/o Ghulam Hussain R/o Village Tumail Block Kargil Tehsil & District Kargil-194103.
11. Ashraf Ali (Age 41 years), S/o Mohammad Musa, R/o Villae Pashkum, Block Shargol Tehsil & District, Kargil Pin Code-194103.

12. K. Ahmad Khan (Age 44 years), S/o Mohammad Ali Khan, R/o Village Pashkum Block Shargol Tehsil & District Kargil-194103.
13. Salma Bano (Age 40 years), S/o Haji Mohammad Hussain, R/o Village Tanmosa Block Kargil Tehsil & District Kargil-194103.

.....Applicants



(Advocate:- Mr. N A Tabassum)

Versus

1. Union Territory of Ladakh through Principal Secretary/Commissioner Secretary to Govt. Public Works (R&B) Department Union Territory of Leh Ladakh (194101).
2. Principal/Commissioner Secretary to Govt. PHE/Irrigation and Flood Control Department, Union Territory Ladakh Leh-194101.
3. Principal/Commissioner, Secretary Finance Department Union Territory of Ladakh Leh-194101.
4. Principal/Commissioner Secretary to Govt. General Administrative Department Union Territory of Ladakh, Leh-194101.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

ORDER

ORAL

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

By way of this O.A., the applicants seek a direction to the respondents to place them in the higher pay scale of Rs. 5150-8300 (pre-revised) from the date of their initial appointment. Applicants also seek a direction to the respondents to release all the consequential monetary benefits in their favour from the date of their appointment till their release.

2. Learned counsel for the applicants submits that the applicants may be granted the benefit of judgement of Hon'ble High Court of Jammu and Kashmir in SWP No. 2047 of 2003 – Sham Paul Randhawa and others Vs. State of J&K and others. The issue in

question was adjudicated finally by the Hon'ble High Court as well as the Hon'ble Apex Court and Government has implemented the judgement of the Hon'ble High Court.



3. Learned counsel for the applicants submits that the O.A. may be disposed of with a direction to the respondents/competent authority to consider the case of the applicants in the light of judgement of Hon'ble High Court of Jammu and Kashmir in SWP No. 2047 of 2003 – Sham Paul Randhawa and others Vs. State of J&K and others by passing a reasoned and speaking order in a time bound manner.

4. On the other hand, learned A.A.G. submits that suitable action with regard to the claim of the applicants shall be taken in accordance with law.

5. In view of the aforesaid submissions and in the facts of the case, the O.A. is disposed of with a direction to respondents/competent authority to consider the claim of the applicants for grant of benefit, if covered by the judgement of Hon'ble High Court of Jammu and Kashmir in SWP No. 2047 of 2003- Sham Paul Randhawa and others Vs State of J&K and others, by passing a reasoned and speaking order within a period of two months from the date of receipt of a certified copy of this order. Needless to state that in case the applicants are found entitled to the benefit of the judgement of Hon'ble High Court of Jammu and Kashmir referred to supra; the same shall be extended to them. It is made clear that this Tribunal has not expressed any opinion on the merits of the case. No order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Arun