

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.8991/2020
S.W.P. No.2458/2019

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)**

Ghulam Mohammad Rather, Age 68 yrs.
S/o Ghulam Rasool Rather
R/o Dondoora, Pattan District Baramulla
At present works Supervisor
F.B. Irrigation Division, Tangmarg.

(Mr. Bhat Fayaz Ahmad, Advocate)

..Applicant

VERSUS

1. State of Jammu and Kashmir through
Commissioner/Secretary to Govt.
Irrigation and Flood Control Department Civil Sectt.
Jammu/Srinagar.
2. Chief Engineer,
Irrigation and Flood Control Department
Kashmir, Srinagar.
3. Superintending Engineer Hydraulic Circle
Baramulla (Hqrs at Sopore), Sopore.
4. Executive Engineer
F.B. Irrigation Division Tangmarg
5. Accountant General, J&K
Srinagar
6. Altaf Ahmad Beigh
Works Supervisor
C/o F.B. Irrigation Division, Tangmarg.

..Respondents
(Mr. Amit Gupta, Additional Advocate General)

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

The applicant was initially engaged as daily wager in the Irrigation & Flood Control Department. He was conferred the regular/temporary status in the year 1982 and was placed in the pay scale of Rs.345-460. Thereafter, the applicant was redesignated as Work Supervisor in his own pay scale, and in January, 1987, he was appointed on regular basis as Work Supervisor in the pay scale of Rs.630-940. Two years later, he was placed in the pay scale of Rs.950-1500. He retired in the year 2017 and by the time he was in the revised pay scale of Rs.9300-34800 with Grade Pay of Rs.4200/-.

2. The applicant made representations, stating that one Work Supervisor by name Altaf Ahmad Beigh, appointed on 04.08.1987, was placed in the pay scale of Rs.800-1500, whereas at the relevant point of time, he was kept in the pay scale of Rs.630-940. Pointing this anomaly, he prayed for the necessary relief. Complaining that his representation is not being considered, he filed SWP No.2268/2015 before the Hon'ble High Court of Jammu & Kashmir. That was disposed of vide order 15.10.2015. In compliance with the same, the respondents passed an order dated 19.01.2016. It was mentioned that though the applicant was put in the pay scale of Rs.630-940 in 1987, he was allowed the pay scale of Rs.950-1500, through order dated



06.02.1989. The difference as to the nature of engagement was also pointed out. Feeling aggrieved by that, the applicant filed SWP No.2458/2019 before the Hon'ble High Court, challenging the order dated 19.01.2016. He pleaded that the reasons mentioned by the respondents in the impugned order are contrary to record and once it emerges that Mr. Altaf Ahmed Beigh was kept in a higher scale of pay in 1987, he too was entitled to be extended the same benefit.

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.8991/2020.

4. Today, we heard Mr. Bhat Fayaz Ahmad, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General.

5. The applicant is trying to raise an issue about the anomaly in pay structure that existed in the year 1987. Here it needs to be mentioned that while Altaf Ahmad Beigh was appointed straightway as Work Supervisor, through order dated 04.08.1987, the career of the applicant started as daily wager, and passed through the stages of the temporary status, taking on the rolls and in his own pay scale. It was only on 02.02.1987, that he was appointed as Work Supervisor on regular basis. The circumstances, under which the pay scale of Rs.630-940 was

indicated against the applicant, are not immediately before us, nor can that be verified, at this length of time. Even otherwise, the so-called anomaly, that existed in 1987, stood removed to the benefit of the applicant in 1989. While Altaf Ahmad Beigh remained at Rs.800-1500, the applicant was put in the pay scale of Rs.950-1500. Under these circumstances, it cannot be said that the applicant was subjected to any injustice.



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

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 22, 2021
/sunil/jyoti/vb/ankit/