



## Central Administrative Tribunal Jammu Bench, Jammu

O.A. No.939/2020

Wednesday, this the 9<sup>th</sup> day of December, 2020

(Through Video Conferencing)

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

1. Avinash Bhau Age 24 Years, S/o Late Sh. Kamal Singh, R/o nater Kothian, Barnai Tehsil Jammu, North District Jammu. Presently Posted at Electric Division I, Jammu, Pin-181205.
2. Darshan Lal Age 46 years, S/o Sh. Sadhu Ram, R/o Karalian Tehsil Ramgarh, District Samba. Presently Posted at Electric Division Vijaypur (Samba). Pin-181102.
3. Poonam Saroch Age 40 Years, D/o Sh. Sohan Lal, R/o Plot No. 270, Canal Road, Jammu. Presently Posted at STD-Ist Jammu, Pin-1800016.
4. Virinder Bhushan Sen Age 40 Years, S/o Sh. Dev Raj Sen, R/o Zellan Tehsil Kishtwar District Kishtwar. Presently Posted at Electric Division Kishtwar-Pin 182204.
5. Sandeep Kumar, Age 38 Years, S/o Sh. Chaman Lal, R/o Kahilla Tehsil Thatri District Doda. Presently Posted as Electric Division Doda- Pin 182202.
6. Akhter Rasool Age 39 Years, S/o Sh. Ghulam Rasool R/o Bhabore Tehsil Doda District Doda-Pin 182202.
7. Sandeep Kumar Age 21 Years, S/o Sh. Balwant Kumar R/o Thalori Tehsil Vijaypur District Samba, Presently posted at Electric Division Vijaypur (Samba)-Pin 182202.
8. Amit Kumar Age 28 Years, S/o Sh. Sam Lal, R/o Keali Mandi Tehsil & District Samba. Presently Posted at Sub-Division Samba-Pin 184121.
9. Arun Kumar, Age 24 Years, S/o Sh. Thoru Ram, R/o Abtal Tehsil Ramgarh, District Samba. Presently Posted at Electric Division Vijaypur (Samba) – Pin-181141.



10. Pardeep Singh, Age 39 Years, Sh. Sewa Singh, R/o Dandyal Near CEO Office Tehsil & District Udhampur. Presently Posted at Electric Division Udhampur- Pin 182101.
11. Kirna Kumari Age 28 years, D/o Late Sh. Om Parkash R/o Battal Ballian Tehsil & District Udhampur. Presently Posted at Electric Division Udhampur-Pin-182126.
12. Jatinder Kumar, Age 32 years, S/o Late. Sh Ram Lal, R/o Newalpur Simbal Tehsil R.S. Pura District Jammu. Presently Posted at Electric Division-Ist, Parade, Jammu.
13. Virender Singh Age 27 years, S/o Late Sh. Haquiqat Singh, R/o Mohalla Paloura Dhoke Tehsil & District Jammu. Presently Posted at Sub-Transmission Division, Jammu-Pin 181121.
14. Rashi Jamwal Age 32 Years, D/o Sh. Naresh Paul R/o Raipur (Bantalab) Tehsil Jammu North District Jammu. Presently Posted at JKPCl Div-II, Jammu-Pin 181123.
15. Ravinder Kumar Age 40 Years, S/o Late Sh. Hans Raj R/o Ramgarh Tehsil Ramgarh District Samba. Presently Posted at Sub-Division Vijaypur (Samba). – Pin 181141.
16. Rashid Kabir Age 29 Years, S/o Sh. Ab. Kabir R/o Sankoot Tehsil Kishtwar District Kishtwar. Presently Posted at Division Store Kistwar.
17. Vicky Singh Age 27 Years, S/o Ramesh Kumar, R/o Kishtwar Tehsil & District Kishtwar. Presently Posted at Electric Division Kishtwar.
18. Vishal Anand Age 30 Years, S/o Sh. Naresh Kumar Anand R/o House No. 167, Pacci Dacci Tehsil & District Jammu. Presently Posted at SD-IV Electric Division-Ist, Parade, Jammu-Pin 180001.
19. Uttam Dev Singh Age 42 Years, S/o Sh. Khadak Singh, R/o Smailpur Tehsil & District Samba, Presently posted at Electric Division-Ist, Parade, Jammu Pin 181133.

...Applicants

(Mohd. Shaqir Hussain, Advocate)

Versus



1. Union Territory of J&K through Commissioner Secretary, Power Development Department, Civil Secretariat, Srinagar/Jammu.
2. Managing Director, Jammu Power Distribution Corporation Limited, Jammu.
3. Chief Engineer, Jammu Power Distribution Corporation Limited, Canal Road, Jammu.
4. Executive Engineer, Jammu Power Distribution Corporation Limited, Jammu.
5. Executive Engineer, Jammu Power Distribution Corporation Limited, Udhampur.
6. Executive Engineer, Jammu Power Distribution Corporation Limited, Doda.
7. Executive Engineer, Jammu Power Distribution Corporation Limited, Kishtwar.
8. Executive Engineer, Jammu Power Distribution Corporation Limited, Samba.

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

### **O R D E R (ORAL)**

#### **Mr. Justice L. Narasimha Reddy:**

The applicants are working in the Office of Director, Jammu Power Distribution Corporation Limited, Jammu, There exist posts of Junior Assistant/Revenue Clerk/Typist in the hierarchy. Appointment to that post is by direct recruitment to the extent of 50%, promotion of the employees classified in Schedule-II to the Jammu and Kashmir Civil Service Regulation to the extent of 25%; and promotion of work charged/PDL/TDL persons, who have passed matriculation and typing test with



speed of 30 words per minute to the extent of 25%. The applicants claim to be falling in the 3<sup>rd</sup> category. For the purpose of promotion to the post of Junior Assistant/ Revenue Clerk/Typist under the said category, the Chief Engineer issued a circular dated 20.09.2018 inviting applications from Class IV (Ministerial/Executive Cadre) employees in terms of circular No.32-GAD of 2011 dated 29.09.2011. Through an Addendum dated 24.09.2018, the work charged/PDL/TDL employees were also made eligible to apply. The Departmental Type Test was conducted on 14.02.2020 to 19.02.2020 at the Government Industrial Institute, Jammu. Based upon the performance in the examination, a list of 76 eligible candidates was published on 04.06.2020. The names of the applicants figured therein.

2. Through an order dated 17.06.2020, the Chief Engineer, Distribution (JPDCL), Jammu has withdrawn the circular dated 04.06.2020, stating that the issue of segregation of seniority of PDL/TDL and need based workers is under process in the Department. This O.A. is filed challenging the said order dated 17.06.2020.

3. The applicants contend that the respondents have conducted the process of selection for promotion to the post of Junior Assistant/Revenue Clerk/ Typist, strictly in accordance with the Recruitment Rules and SRO, and that there was absolutely no basis for issuing this impugned order after the



selection process has progressed almost, upto the final stage. It is stated that the reasons mentioned by the respondents are totally irrelevant.

4. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that though certain classes of employees occur in the feeder category, a distinction needs to be maintained, as regards those, who have promotional avenues and those, who do not have; and with a view to complete the process in accordance with law, the impugned order was issued.

5. Today, we heard Mohd. Shaqir Hussain, learned counsel for applicants and Mr. Sudesh Magotra, learned Deputy Advocate General, through video conferencing.

6. As observed earlier, the Recruitment Rules provide for 3 methods of appointment to the post of Junior Assistant/Revenue Clerk/ Typist. The first is by direct recruitment and second & third by way of promotion for different categories. The one, pertaining to the work-charged/PDL/TDL persons, reads as under:-

“(ii) 25% of posts shall be reserved for such work charged/PDL/TDL persons who have passed the Matriculation Examination or, its equivalent examination, having at least typing speed of 30 words per minute”

7. It is in accordance with the said Recruitment Rules, that the respondents have issued a circular dated 20.09.2018



inviting applications from eligible persons to appear in the test.

An Addendum was issued on 24.09.2018. Ultimately, the test was conducted recently in February, 2020. A list of qualified candidates was published, through circular dated 04.06.2020.

It reads:

“In order to filling up the vacant posts of Junior Assistant/Revenue Assistant in the forthcoming DPC, the Class-IV/PDL incumbents as per annexure A and B to this office communication, who have passed the Departmental Type Test conducted on 14.02.2020 to 19.02.2020 at Principal, Govt. Industrial Institute Jammu as per SRO-381 of 1981, shall submit the following documents to this office within 15 days positively.

1. APRs for the last 03 years.
2. Matriculation Certificate (in Original).
3. Work Conduct and Integrity Certificate.
4. Service Book (attested).
5. Posting Details (in Original).”

8. The very fact that the particulars, such as, APRs for the last 3 years, matriculation certificate, work conduct and integrity certificate, service book and posting details are invited, discloses that they were meant for verification of the Departmental Promotion Committee (DPC). No one has challenged that, in a Court of law.

9. However, within few days thereafter, the impugned order was issued on 17.06.2020. The reasons mentioned therein are that some employees have shown resentment against the circular and has sought separate seniority list of Class-IV in the ministerial cadre and the executive cadre. We hardly find any mention of that in the Recruitment Rules. The Rules confer the



eligibility on the work charged/PDL/TDL persons without any distinction whatever. The selection done by holding the Typewriting examination. It is just un-understandable as to how the respondents have chosen to withdraw the selection process by stating some reasons, which are totally outside the purview of the Recruitment Rules. The process, which commenced in the year 2018, was about to reach finality after 2 years. Scuttling the same just on the basis of resentment from some employees, that too, without any legal basis, would only lead to complications in the administration and multiply litigation. The administration would also suffer on account of the posts remaining vacant.

10. We, therefore, allow the O.A. and set aside the impugned order circular dated 17.06.2020 and direct that the order dated 01.09.2020, containing the list of 17 persons with reference to the examination shall be operated. The respondents shall take further steps in pursuance of the circular dated 04.06.2020 and complete the selection process as early as possible and not later than three months. There shall be no order as to costs.

**( A K Bishnoi )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**December 9, 2020**

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