

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.6181/2020
S.W.P. No.46/2005

Tuesday, this the 9th day of February, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Suraj Parkash, Age 44 years,
S/o Amit Chand, R/o Gurah Talab Akhnoor.
2. Jeeta Ram S/o Kartar Chand,
Age 48 years, R/o Dashed Tehsil Akhnoor.
3. Sh. Madan Lal, S/o Bansi Lal,
Age 43 years, R/o Digha Akhnoor.
4. Pikhram Singh, S/o Sh. Dewan Singh,
Age 48 years, R/o Mirpur Daran Jourian,
Tehsil Akhnoor.
5. Sudershan Singh, S/o Maan Singh,
Age 44 years, R/o Kantho Bal, Tehsil Jammu.
6. Uttam Singh, S/o Sh. Rattan Singh,
Age 49 years,
R/o House No. 32, Ashok Nagar, Jammu.
7. Jagdish Raj, S/o Sh. Chajju Ram,
Age 45 years, R/o Khatikhian Talab, Jammu.
8. Raman Kumar, S/o Sh. Jia Lal, Age 31 years,
R/o Rehari Colony, House No. 177, Jammu.

.. Applicants

(Mr. S. Baldev Singh, Advocate)

Versus

1. State of Jammu and Kashmir through Principal

Secretary Power Development, Civil Sectt., Jammu.

2. Chief Engineer, Power Development Department,
Canal Road,
Jammu (Convenor of DPC).
3. Chief Engineer, System and Operation Gladni Narwal,
Jammu.
4. Executive Engineer, Transmission Line Maintenance Div-I,
Janipur, Jammu.



..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicants were initially engaged as Skilled workers on daily wage basis on the establishment of Electrical, Maintenance & RE Wing, Jammu. Their services were regularized in the post of Skilled Technician-III/Technician-IV. The DPC was held for further promotion for such persons and on the basis of the selection made therein, an order was passed on 02.12.2004, extending the benefit of promotion to 48 such employees. That was subject to the condition that the incumbent should have been engaged prior to 1979 and regularized by December, 1985. The applicants state that the condition referred to above would entail in denial of promotion to them. They filed SWP.No.46/2005, before the Hon'ble High Court of Jammu and Kashmir, challenging the condition stating interalia that it would amount to discrimination.

2. The respondent filed a short counter affidavit.

3 The Writ Petition has since been transferred to this Tribunal in view of reorganization of the State of Jammu and Kashmir and renumbered as TA.No.6181/2020.



4. Today, Mr.S.Baldev Singh, learned counsel for the Applicants, submits that he is no longer appearing this TA. We perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

5 The benefit of promotion as extended to such of the employees who were engaged before 1979 and were regularized before 1985. The respondents have their own yardstick in extending the benefit of promotion. The applicants are not able to point out any specific provision of law that can said to have been violated.

6. We do not find any merit in the TA and the same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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