



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 85/2021
(SWP No.1563/1995)

This the 27th day of January, 2021

(Through Video Conferencing)

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

1. Abdul Rashied Khanday, S/o Ghulam Nabi Khanday, R/o Wathred Badgam, Age : 35 years.
2. Surreinder Kumar Bhat, S/o Jankinath Bhat, R/o Village Ichigam Badgam, Age : 36 years.
3. Siraj-ud-din Masoodi, S/o Ghulam Hassan, R/o Badran Badgam, Age : 38 years.
4. Ghulam Hyder Rather, S/o Ghulam Muhammad Rather, R/o Sandipora, Badgam, Age : 38 years.
5. Ghulam Mohi-ud-din Dar, S/o ghulam Muhammad Dar, R/o Shivpora, Badgam, Age : 42 years.
6. Abdul Rehman Mir, S/o Ali Muhammad Mir, R/o Kathwar, Badgam, Age : 40 years.
7. Ghulam Muhammad Allie, S/o Ahmed Allie, R/o Sandipora, Badgam, Age : 40 years.
8. Ghulam Ahmed Mir, S/o S/o Ali Muhammad Mir, R/o Patwar, Badgam, Age : 40 years.
9. Ghulam Muhammad Kanjal, S/o Wali Muhammad, R/o K Jwalapora Badgam, Age : 38 years.
10. Muhammad Akber Malla, S/o Jamal Malla, R/o Omppra Distt. Badgam, Age 35 years.
11. Abdul Salam Gujree, S/o Abdul Rahiem Gujree, R/o Falechal Badgam, Age 43 years.
12. Muhammad Shafi Shah, S/o Quaderathatulla, R/o Kacth, Distt, Badgam, Age : 40.
13. Bashir Ahmed Shiekh, S/o Ghulam Muhammad, R/o Drigrame, Badgam, Age : 38 years.
14. Abdul Aziz Wani, S/o Mohammad Sidiq Wani, R/o Hushroo Teh. Chadoora, Age : 38 years.
15. Ghulam Muhammad Hajam, S/o Ghulam Rasool Hajam, R/o Later Chadoora, Age 38 years.
16. Muhammad Sidiq Lone, S/o Ali Muhammad Lone, R/o Bunhame, Badgam, Age : 36 years.



17. Muhammad Subhan Wani, S/o Khazir Wani, R/o Wadwan, Distt, Badgam, Age : 35 years.
18. Muhammad Farooq Zargar, S/o Ghulam Mohi-ud-din Zargar, R/o Rainawari Srinagar, Age : 42 years.
19. Abdul Rashied Kathwari, S/o Ghulam Muhammad, R/o Rainwari, Srinagar, Age : 45 years.
20. Rashied Ahmed Ganie, S/o Kh Mustaffa Ganaie, R/o Zooni Mar, Soura, Age : 45 years.
21. Altaf Ahmed Koul, R/o Zaonakadal Srinagar, Age : 40 years.
22. Ghulam Mohi-ud-din Beigh, S/o Ghulam Muhammad, R/o Kathi-Darwaza Sringar, Age 38 years.
23. Ghulam Ahmad Dar, S/o Mohammad Abdulla Dar, R/o Goothapora, Badgam, Age : 40 years.
24. Ali Muhammad Khan, S/o Ghulam Muhammad Khan, R/o Kawsoora, Badgam, Age : 40 years.
25. Farooq Ahmed Sofi, S/o Kamal Sofi, R/o Chari-shareef, Distt Badgam, Age : 40 years.
26. Ghulam Rasool Khan, S/o Ahmed Khan, R/o Habba-kadal Srinagar Kmr., Age : 45 years.
27. Ghulam Hassan Yatoo, S/o Ghulam Muhammad Yatoo, R/o Hushroo, Badgam, Age : 40 years.
28. Barkat Ali Malik, S/o Mohammad Ayub Malik, R/o Habba-Kadal Srinagar, Age : 35 years.
29. Ghulam Muhammad Mir, S/o Abdul Rehman Mir, R/o Patapora, Noorbagh, Age : 35 years.
30. H. Ghulam Ahmad Rather, S/o Ali Muhammad Rather, R/o Channapora, Sgr, Age : 45 years.
31. Ghulam Hassan Mir, S/o Sona-Ullah Mir, R/o Arigam, Badgam, Age : 35 years.

...Applicants

(Mr. M.I. Qadri, Advocate)

Versus

1. State of Jammu and Kashmir through Commissioner/Secretary to Govt, Power Development Department, Civil Sectt., Jammu/Srinagar.
2. Development Commissioner, Power Development Commissioner, Power Development Department, at Civil Sectt. Jammu/Srinagar.
3. Chief Engineer Electric Maintenance and Rural Electrification Wing, Power Development Department, J&K Govt. at Bemina Complex, Srinagar.
4. Executive Engineer, Electric Maintenance Division, Badgam.

.....Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicants are working in Power Development Corporation, Govt. of Jammu & Kashmir. They filed SWP no. 1563/1995 before the Hon'ble High Court of Jammu & Kashmir, challenging the order dated 13.10.1995 and claiming the benefit of SRO No. 149/1973. This SRO provided for extension of benefit to the employees, who obtained ITI. Through order dated 13.10.1995, it was clarified that the benefit under SRO No. 149/1973 shall not be available to any employee, who acquired qualification subsequent to 08.11.1990. In other words, it was clarified that unless the employee was receiving the benefit before 08.11.1990, he would not be entitled for it, thereafter. The applicants acquired the qualification between 1992 and 1993. Referring to the orders passed in earlier cases, they claimed relief.

2. The respondents filed a detailed counter affidavit. It is stated that the benefit under SRO 149/1973 was restricted to certain category of employees and after taking into account, the subsequent events as well as the orders passed by the courts, a decision was taken through order dated 13.10.1995. They have also stated that though the learned Single Judge granted the relief in terms of SRO No. 149/1973, the same was set aside by the Division Bench and certain developments have also taken place thereafter.



3. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and renumbered as TA No.85/2021.
4. Today, we heard Mr. M.I. Qadri, learned counsel for applicants and Mr. Sudesh Magotra, learned Deputy Advocate General, through video conferencing.
5. The Writ Petition was pending for a full length of quarter of a century, before the Hon'ble High Court. It is not known as to whether the applicants are still in service. It is not as if any pay scale of the applicants, which was otherwise due to them under the relevant rules, was denied to them. They claimed the benefit on the strength of acquiring the ITI qualification. That is purely discretionary in nature and once the Government has decided to restrict the benefit up to a particular date, the applicants do not have any vested right to claim it.
6. We do not find any merit in the TA and it is accordingly dismissed. There shall be no order as to costs.

(**Pradeep Kumar**)
Member (A)

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

January 27, 2020

lg/sunil/ankit/shakhi