

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 66/2025

**Balbir Singh, Age 78 years, S/o Sh. Partap Singh,
R/o Dara Dullian, Tehsil Haveli, District Poonch.**

Through: Mr. Sahil Gupta, Advocate.

Vs.

1. UT of J&K Th. Respondent(s)
its Secretary, Rural Development Department, Jammu.
2. The Director, Rural Development Department,
Jammu.
3. The Assistant Commissioner, Panchayat Poonch.
4. The Additional District development Commissioner
(Project DRDA), Poonch.

Through: Mr. S.S. Nanda, Sr. AAG.

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER(ORAL)
29.09.2025

Sanjeev Kumar J

1. Impugned in this petition filed by one Balbir Singh, an erstwhile employee of DRDA Poonch, is an order and judgment dated 26.11.2024 passed by the Central Administrative Tribunal, Jammu Bench, Jammu [*hereinafter referred to as "the Tribunal"*] in OA No. 563/2023 in case titled "*Balbir Singh Vs. Union Territory of Jammu and Kashmir & Ors.*", whereby the Tribunal has dismissed the OA being devoid of any merit.
2. The impugned judgment is challenged by the petitioner on the ground that the Tribunal has failed to appreciate that the petitioner having rendered 32 years of service as a Driver could not have been denied

the pensionary benefits and that the employees, who retired on or after 01.04.2005 have been given such benefits.

3. Having heard learned counsel for the parties and perused the record, we find that the facts are not much in dispute in this petition. Admittedly, the petitioner was appointed as a Driver in the year 1971 in the District Rural Development Agency Poonch, a society registered under the Societies Registration Act. He came to be superannuated w.e.f. 31.01.2003 as an employee of the society. It was later in the year 2015, a decision was taken by the Cabinet in terms of decision No. 169/13/2014 dated 10.10.2014 for absorption of employees of DRDA, who were in service on or after 01.04.2005. With a view to give effect to the Cabinet decision (supra), the respondents issued Government order No. 233-RD&PR of 2015 dated 01.09.2015. As is apparent from the reading of the Government order, 186 posts of different categories were created in the Department of Rural Development and Panchayati Raj for absorption of 184 employees of DRDA w.e.f. 01.04.2005.
4. It was clearly indicated in the aforesaid order that absorption of the employees of DRDA in the Department of Rural Development and Panchayati Raj shall be with respect to the employees, who were in service as on 01.04.2005. The absorption would be notionally with effect from the aforesaid date and the regular scales in the Government shall be given w.e.f. 10.10.2014, i.e., from the date of approval of the proposal by the Cabinet.
5. Indisputably, the petitioner had retired w.e.f. 31.01.2003 as an employee of DRDA and was not a government employee either on

the date of issuance of the Government order i.e. 01.09.2015 or on the cut off date prescribed for absorption in the Government order i.e. 01.04.2005.

6. Interestingly, the petitioner did not challenge either the Government order or the cut off date fixed for granting of benefits of absorption to the employees of the DRDA. The prayer which the petitioner made before the Tribunal, as is extensively reproduced in the impugned order, was only to the extent of seeking a direction to the respondents herein to decide his absorption and pension case in terms of the Government order dated 22.09.2015.
7. In the absence of any challenge to the Government order or to the cut off date fixed therein, the Tribunal was right in coming to the conclusion that the petitioner having retired w.e.f. 31.01.2003 was not covered by the Government order dated 01.09.2015, in that, the Government order was applicable to those, who were in the service of DRDA on 01.04.2005.
8. In view of the clear provisions of Government order dated 01.09.2015 and absent a challenge to the cut off date fixed by virtue of Clause C (i) of the Government order, the Tribunal rightly came to the conclusion that the case of the petitioner was not covered by the Government order (supra) and, therefore, was not entitled to be absorbed in the Department of Rural Development and Panchayati Raj. That being the clear position emerging in the case, the petitioner cannot be held entitled to any pensionary benefits which are available only to the Government employees and not to the employees of society like DRDA.

9. Even before us, the petitioner has not raised the plea arbitrariness or discrimination in the matter of fixation of the cut off date, as prescribed in the Government order.
10. For the foregoing reasons, we find no merit in this petition and the same is, accordingly, ***dismissed*** alongwith connected applications.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Jammu
29.09.2025
Diksha

Whether the order is speaking?	Yes/No
Whether the order is reportable?	Yes/No