

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: WP(C) No. 3998/2019

Bawa Ditta Kalsi

...Petitioner(s)/Appellant(s)

Through: Mr. Manik Bhardwaj, Advocate

V/s

State of J&K & Ors.

... Respondent(s)

Through: Mr. Dewakar Sharma, Dy.AG for R-1 & 2.
Ms. Monika Thakur, Advocate for R-3.

CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER
11.09.2025

1. With the consent of learned counsel for the parties, the instant petition is taken up for final consideration.
2. The petitioner, through the medium of this petition is challenging the PPO 221987876 to the extent it records service period as 25 years and 7 months instead of actual 30 years, 9 months and 12 days, which the petitioner has actually rendered.
3. The facts which are not in dispute are that the petitioner was engaged on consolidated basis against the post of Senior Supervisor in the Resin Taping (RTO) on dated 19.10.1974 and was regularized vide order dated JK1/26/80 dated 24.04.1980 as Senior Supervisor and posted as Chemist RTF, Sundarbani. He retired on attaining the age of superannuation on 23.07.2005.
4. As per the entries made in the service book of the petitioner, the date of beginning of service is shown as 19.10.1974 and date of ending of service as 31.07.2005, and in the said service book, entry made at Serial No. 12 which is in dispute, the length of service of the petitioner is shown as 19.10.1974 to 31.07.2005, i.e. 31 years.

5. On superannuation, the record case was forwarded to respondent No. 3 for authorisation of pension and in the PPO 221987876, the length of service has been taken from 01.05.1980 and the qualifying service has been shown as 25 years and 7 months. The length of qualifying service of the petitioner has been taken from the date of his regularisation, while excluding the period from January, 1974 till regularization.

6. Though respondent Nos. 1 and 2 had forwarded his case to respondent No. 3, wherein the length of service of petitioner is 30 years, 9 months and 12 days.

7. Feeling aggrieved by the exclusion of the aforesaid period from the length of service, the petitioner has filed this petition.

8. Objections were filed by the respondents wherein the ground taken is that the period during which the petitioner was on consolidated basis against the post of senior supervisor could not taken into consideration. It is being argued that the inclusion of such period is not provided under the provisions of Jammu and Kashmir Civil Services Rules, particularly, Rule 175.

9. The question arises as to whether this period has to be excluded while calculating the length of qualifying service of the petitioner.

10. Learned counsel for the respondents argued that said period cannot be included in the length of qualifying service but when he was confronted with the provisions of Rules 175 and 177 of the Jammu and Kashmir Civil Services Rules, Mr. Dewakar Sharma, learned GA submitted that the said period cannot be excluded. It would be clear that the length of service shown with the service record, particularly, length of service intimated to the respondent No. 3, has been taken from the date when he was engaged on consolidate basis against the said post on which he was regularized till the date of retirement on attaining the age of superannuation.

11. Learned counsel for the respondent No. 3, however, took the objections that such period has to be excluded but she also could not support the contentions after going through the provisions contained in Rule 177 of the J&K Civil Services Rules.

12. In this case, though the petitioner was engaged on consolidated basis on the post of Senior Supervisor, he was regularized in the year 1980 on the said post while he was continuing his service.

13. Having regard to the provisions of Rule 175 and 177 of the J&K Civil Services Rules, it would be clear that the period during which the petitioner was on consolidated basis against the said post on which he had been regularised cannot be excluded.

14. Therefore, this petition is allowed and respondent No. 3 is directed to correct the entry with regard to the length of qualifying service while calculating the date of the initial engagement of the petitioner on the said post till his retirement i.e. 31.07.2005.

15. The process be completed within a weeks' time and the respondents be issued fresh PPO, accordingly.

16. *Disposed of.*

**(VINOD CHATTERJI KOUL)
JUDGE**

Jammu
11.09.2025
Suraj K. Singh