

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**WP(C) No. 2634/2026
CM No. 5754/2026**

Balbir Singh

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

Through: Mr. Sahil Gupta, Advocate
Mr. Ghera Kumar, Advocate

vs

UT of J&K and ors.

..... Respondent(s)

Through:

**Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

**ORDER
29.08.2026**

1. The petitioner superannuated on 31.01.2003 as "Driver" in District Rural Development Agency (DRDA). Pursuant to Government Order No. 233-RD&PR of 2015 dated 01.09.2015, the Government directed the absorption of employees of DRDA in the Department of Rural Development & Panchayati Raj. As the name of the petitioner was not included in the list of the employees of DRDA absorbed in the Department of Rural Development & Panchayati Raj, the petitioner, initially, approached the learned Tribunal through the medium of OA No. 563/2023 for directing the respondent Nos. 1 and 2 therein to decide the absorption, as his pension case was submitted to respondent No. 2 by respondent No. 3 vide Office No. DRDAP/Estt/2015-16/506-07 dated 22.09.2015. However, the said application came to be dismissed by the learned Tribunal in terms of order dated 26.11.2024, which became subject matter of WP(C) No. 66/2025 and the Co-

ordinate Bench of this Court, in terms of order dated 29.09.2025, dismissed the writ petition preferred by the petitioner.

2. Thereafter, the petitioner came up with another OA, whereby he impugned the Government Order No. 233-RD&PR of 2015 dated 01.09.2015, which prescribed the cut off date for absorption and entitlement of pensionary benefits as 01.04.2005 being unconstitutional and arbitrary and for further commanding the respondent Nos. 1 and 2 to absorb the petitioner and release his pensionary benefits on the ground that the petitioner submitted number of representations for release of pensionary benefits and as per office letter dated 15.04.2023, the petitioner's case was forwarded by respondent No. 3 to the office of respondent No. 2. The learned Tribunal dismissed the said OA in terms of order dated 10.07.2026 on account of being hit by doctrine of 'delay and laches'. This is how the petitioner has come up with this writ petition for assailing the order (supra) on the ground that the action of the respondents in denying absorption and pensionary benefits to the petitioner is arbitrary and unconstitutional.
3. Heard learned counsel for the petitioner.
4. Admittedly, the petitioner retired on 31.01.2003 i.e. much prior to the cut off dated 01.04.2005 prescribed in the Government order dated 01.09.2015. From the date of issuance of Government order dated 01.09.2015, till the filing of the initial OA bearing No. 563/2023, there is no whisper in the application preferred by the petitioner before the learned Tribunal, as to what prevented the petitioner for eight long

years from assailing the Government order dated 01.09.2015. It is admitted by the learned counsel for the petitioner that *inter se* communications originated pursuant to the representation submitted by the petitioner, but equally true is that merely filing of the representation would not instil life in dead cause. (See “**C. Jacob vs. Director of Geology and Mining and another**” 2008 (10) SCC 115.)

5. We have examined the order passed by the learned Tribunal and we are in perfect agreement with the reasons assigned by the learned Tribunal for rejecting the application preferred by the petitioner. The learned Tribunal has observed that the petitioner seeks to challenge a policy decision of the Government taken in the year 2015 after an inordinate delay of almost a decade without any satisfactory explanation. Such stale claims cannot be entertained merely because representations continued to be made by the petitioner.
6. Accordingly, we are of the considered view that there is no ground available with us to interfere with the well reasoned order passed by the learned Tribunal. This writ petition is found to be without any merit. The same is **dismissed**.

(RAJESH SEKHRI)
JUDGE

(RAJNESH OSWAL)
JUDGE

Jammu
29.08.2026
Neha-II

Whether the order is speaking:
Whether the order is reportable:

Yes/No
Yes/No