

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 941/2026
CM No. 2085/2026

Balbir Singh

.....Petitioner

Through: Mr. Anil Khajuria, Advocate

Vs

UT of J&K & Ors.

.....Respondents

Through: Mr. Vishal Sharma, DSGI with
Mr. Sumant Sudan, Advocate
Mr. Raman Sharma, AAG with
Ms. Sheikh Saliqa, Advocate

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(20.04.2026)

01. From the originally obtaining J&K Power Development Department which was exclusively dealing with each and every aspect of administration related to Power development and distribution in the then State of Jammu and Kashmir at one point of time, two corporations came to be carved out for carrying out respective functionalities.
02. Jammu and Kashmir Power Development Corporation Limited was created to deal with development aspect of the 'Power' whereas Jammu and Kashmir Power

Distribution Corporation Limited came to be created for dealing with distribution aspect of the 'Power'.

03. For manning said two Corporations, the original employees of Power Development Department-(PDD), were outsourced but later on the respective Corporations came to carry out selection and appointment of their respective cadre.
04. The original employees of the Power Development Department-(PDD) were apportioned to said two Corporations by putting them to option whether to retain themselves in the parent Power Development Department-(PDD) or to switch over to the respective Corporations.
05. The petitioner herein was an original employee of Power Development Department-(PDD) appointed as Technician-III way back in March 1998 and remained so all along till 2019 when Jammu and Kashmir Power Development Corporation Limited is said to have been brought into existence later on followed by creation of Jammu and Kashmir Power Distribution Corporation Limited.
06. The petitioner's superannuation came to take place in the year **30.10.2023**.

- 07.** Bearing a grievance that there are some pending issues relatable to fixation of his pension and other post-retiral benefits relatable to his pay scale, the petitioner came to approach the Central Administrative Tribunal, Jammu Bench with an **Original Application (O.A.) No. 363/2026.**
- 08.** By virtue of an order dated **26.03.2026**, the Central Administrative Tribunal, Jammu Bench through its Administrative Member-Sh. Ram Mohan Johri, reckoned the petitioner to be an employee of the Jammu and Kashmir Power Development Corporation Limited and, as such, the subject matter of the Original Application filed by the petitioner not to be taken up for adjudication as the Central Administrative Tribunal lacks jurisdiction with respect to service matter of the employees serving in the Corporations/Companies under **Section 14(2) and (3) of the Central Administrative Tribunal Act, 1985** which constrained the counsel for the petitioner to withdraw the Original Application and come forward with the institution of the present writ petition on **08.04.2026.**
- 09.** On the very first date of hearing in this case on **10.04.2026**, this Court came to be confronted with a precarious situation that with respect to employees of

sister-corporation i.e. Jammu and Kashmir Power Distribution Corporation Limited, the same very Central Administrative Tribunal, Jammu Bench through its Hon'ble Division Bench not only entertained the Original Application but also adjudicated the same on merits against which a writ petition under article 226 of the Constitution of India has been preferred not by the Corporation or for that matter Union Territory of J&K but by the private respondents figuring in Original Application being aggrieved of the adjudication on merits so made by the Central Administrative Tribunal, Jammu. One of said cases came to be referred by this Court in its order dated **10.04.2026** that being **WP(C) No. 1688/2024.**

10. This Court, thus, solicited Mr. Raman Sharma, learned AAG and also Mr. Vishal Sharma, learned DSGI to assist this Court on this aspect for today's hearing.
11. Upon hearing both Mr. Raman Sharma, learned AAG and Mr. Vishal Sharma, learned DSGI assisted by Mr. Sumant Sudan, learned Panel counsel of Accountant General Office (A&E), this Court finds itself confronted by a question of law that if this writ petition is taken on board as it is, that too before this Court as a Single Bench, then it would be confirming the view point of

Central Administrative Tribunal, Single Member (Administrative)-Sh. Ram Mohan Johri's statement amounting to finding that the Central Administrative Tribunal lacks jurisdiction with respect to the service matter of the employees serving in the Corporations and Companies in terms of **Section 14 of the Central Administrative Tribunal Act, 1985.**

12. By that standard, the adjudication made on merits by the Central Administrative Tribunal, Jammu Bench, even through its Hon'ble Division Bench would self render to be nullity notwithstanding the fact that whether any side has taken any objection/exception to the exercise of jurisdiction so made by the Central Administrative Tribunal on merits with respect to service claims of employees of the Jammu and Kashmir Power Distribution Corporation Limited.

13. This Bench surely cannot non-suit the petitioner and if this Court entertains the present writ petition, then an adjudication would have ramifications relatable to the matters pending in the form of writ petitions against merit based adjudication of Central Administrative Tribunal relatable to Jammu and Kashmir Power Distribution Corporation's aggrieved employees and that would be overreaching the Hon'ble Division Bench's

jurisdiction and domain and also against the propriety of judicial decorum and discipline.

14. Under the constraint of aforesaid circumstances, this Court, in exercise of its power under **Rule 30 of the J&K High Court Rules, 1999** finds a question of law to be addressed for adjudication by the Hon'ble Division Bench which is otherwise seized of the writ petitions one of which being the **WP(C) No. 1688/2024**.
15. The question of law is as to whether the Central Administrative Tribunal, which is a single entity in itself notwithstanding conducting its business through Benches, can come up with diametrically opposite take in exercise of adjudicatory jurisdiction with respect to service matters of employees of one Corporation and non-suiting the employees of other Corporation which in the present case are Jammu and Kashmir Power Development Corporation Limited and Jammu and Kashmir Power Distribution Corporation Limited, both of which are being still governed by the service rules which are known as **Jammu and Kashmir Power Development Department (Subordinate) Service Recruitment Rules, 1981, promulgated by SRO-381 of 1981**.

16. This Court is not very sure as to whether the respective two Corporations have followed aforesaid SRO to be applicable in the matter of governing the service condition of its respective set of employees or by default the **SRO** is continuing to govern the respective cadre of the aforesaid two Corporations. This aspect needs to be attended only in its consideration by the Hon'ble Division Bench, as such, this Court makes a humble reference for consideration and adjudication by the Hon'ble Division Bench seized of adjudication of matters which includes **WP(C) No. 1688/2024.**
17. The learned Registrar Judicial, Jammu is thus, requested to place this reference before Hon'ble the Chief Justice of High Court of J&K and Ladakh for taking appropriate orders for posting the matter before the Hon'ble Division Bench concerned.

(RAHUL BHARTI)
JUDGE

JAMMU
20.04.2026
SUNIL