

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT  
SRINAGAR**

*Reserved on: 09.04.2026*

*Pronounced on:24.04.2026*

*Uploaded on: 24.04.2026*

*Whether the operative part  
or full judgment is  
pronounced: **Full***

**SWP No.1088/2017**

AMARJEET SINGH & OTHERS

...PETITIONERS/APPELLANT(S)

Through: - Mr. Z. A. Qureshi, Sr. Advocate, with  
Ms. Rehana Fayaz, Advocate.

Vs.

STATE OF J&K AND OTHERS

...RESPONDENT(S)

Through: - Mr. Furqaan Yaqoob, GA-for R1 to R3.  
Mr. Shakir Haqani, Advocate-for R4.

**CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**JUDGMENT**

1) The petitioners, through the medium of present petition, have challenged order bearing No.JKSRTC/EC-III/1436 dated 06.11.2012 issued by the J&K State Road Transport Corporation (for short "the Corporation"), whereby claim of the petitioners regarding extension of benefits available in terms of SRO 14 of 1996 and SRO 225 of 1997, has been rejected. The petitioners have further sought a direction upon the respondents to release the earned salary in their favour from March, 2002 and to extend the benefit of SRO 14 of 1996 and SRO 225 of 1997 in their favour.

2) It seems that the petitioners had filed a writ petition bearing SWP No.1453/2002 against the respondents seeking the same relief which has been sought in the present writ petition. The said writ petition was disposed of by this Court in terms of order dated 16.08.2011, whereby the respondents were directed to consider release of earned salary since March, 2002, in favour of the petitioners and also to consider the extension of all other benefits as are available to Government servants in accordance with rules.

3) Pursuant to the aforesaid direction of this Court, the matter was considered by the respondents and thereafter claim of the petitioners has been rejected in terms of the impugned order dated 06.11.2012 (supra). It is pertinent to mention here that in the impugned order, it has been mentioned that salary with other allowances as applicable to the Corporation employees stands released in favour of the petitioners since March, 2002, whereas in respect of extension of benefits under SRO 14 of 1996 and SRO 225 of 1997, it has been mentioned that the same cannot be extended to the petitioners because they are now employees of the respondent-Corporation and not of the Government.

4) The case set up by the petitioners is that they were the employees of the Government Transport Undertaking

(hereinafter referred to as the GTU). The said entity was converted into State Road Transport Corporation, whereafter, in terms of order No.26-TR of 1979 dated 29.03.1979 and according to the petitioners, the employees were asked to exercise their option as to whether they want to continue in the government service or would prefer to work in the respondent-Corporation. It is case of the petitioners that they did not opt for permanent absorption in the respondent-Corporation and, as such, their service conditions are to be governed by the rules applicable to the government employees and, thus, on this basis, the benefits available under SRO 14 of 1996 and SRO 225 of 1997, which were applicable to the government employees, are applicable to the petitioners as well. To buttress this point, the petitioners have submitted that they are being paid pension like other government employees and, as such, they are entitled to all the benefits which are available to the government employees.

5) It has been contended that the employees of J&K Government have been given the benefit of SRO 14 of 1996, vide which J&K Civil Services (Higher Standard) Pay Scale Rules, 1996 (for short "the Rules of 1996") have been promulgated and as per these Rules, non-gazetted employees are entitled to first in-situ promotion after

completion of nine years. Similarly, as per SRO 225 of 1997, whereby amendment was made in the Rules of 1996, further benefit was accorded in favour of the employees after putting in 18 years of service. It has been contended that in the case of the petitioners, the benefit of the Rules of 1996 has not been extended in their favour even though they are entitled to the similar benefits as are available to the government employees. It has been submitted that the petitioners have completed more than 18 years of service and, therefore, they are eligible to be extended the benefit of first and second in-situ promotions in terms of the Rules of 1996.

6) The petitioners have relied upon the judgment of the Division Bench of this court passed in **LPA No.32/2012** titled “**State of J&K & Ors. vs. All J&K State Road Transport Corporation and Ors.**” Decided on 27.07.2012, whereby a direction has been issued to the respondent-Corporation as also to the State Government to ensure that the unpaid dues on account of Dearness Allowance or Cost of Living Allowance are paid to the employees of the respondent-Corporation who are similarly situated with the government employees and that the State Government cannot deny these benefits on any ground including scarcity of resources.

7) The respondents have contested the writ petition by filing their reply, in which it has been submitted that the contention of the petitioners that their salary has not been released since March, 2002, is not correct. It has been submitted that as per record, the petitioners, being previously the employees of the GTU, exercised their option to serve the respondent-Corporation while retaining their pensionary benefits as were available to them under the Rules in terms of Government Order No.25-TR of 1979 dated 27.03.1979.

8) It has been submitted that after exercising their option to retain the pensionary benefits while in the service of respondent-Corporation, the petitioners, besides having drawn the benefit of COLA from time to time as was admissible to them in the Corporation service, have also drawn the retirement benefits as Government servants. It has been contended that after exercising their option based upon Government Order dated 27.03.1979, the petitioners became the employees of the respondent-Corporation and, as such, they cannot claim the benefit of SRO 14 of 1996 and SRO 225 of 1997 as the same have not been adopted by the respondent-Corporation.

9) I have heard learned counsel for the parties and perused record of the case.

10) It is not in dispute that the petitioners were the employees of the erstwhile GTU which came to be wound up and, in its place, the respondent-Corporation was incorporated. The fate of the employees of the erstwhile GTU is governed by the Cabinet Decision No.51 dated 19.02.1979, pursuant where to Government Order No.25-TR of 1979 dated 27.03.1979 has been issued. It would be appropriate to reproduce the contents of the said Government Order:

*Whereas, in pursuance of the Central Road Transport Corporation Act, the government established the J&K Road Transport Corporation, by conversion of the erstwhile Govt. Transport Undertaking on 1-9-1976;*

*And whereas, all the employees of the erstwhile Govt. Transport Undertaking were taken on deputation in the Road Transport Corporation, from the said date;*

*And whereas, in pursuance of the section 45(2) (c) of the Road Transport Corporation Act, approval of the Govt. has been conveyed to the adoption of service regulations made in terms of section 45(1) of the said Act;*

*And whereas, the Government has considered it expedient to place the services of the employees of the erstwhile Government Transport Undertaking at the disposal of the Road Transport Corporation.*

*Now, therefore, it is hereby ordered that:-*

*i) Government servants whose services have been placed at the disposal of the Road Transport Corporation but who do not want to continue in the Corporation have the option to:-*

*a) Seek retirement from Government service (if they are permanent or have 5 years quasi*

*permanent service) and receive pensionary benefits from the Government as would be admissible to them under rules;*

*b) Ask for their discharge from service if they are temporary Government servants or quasi-permanent servants with less than 5 Years services (not contributing to C. P. Fund) and receive terminal gratuity benefits from Government as may be admissible to them under rules.*

*c) Ask for their termination of services if they are temporary with C. P. Fund benefits and receive employee contribution on their C. P. Fund with interest in full along with their own contribution;*

*ii) Government servants who opt for service in the Road Transport Corporation shall have the following options:-*

*a) Permanent Government servants (who had been confirmed against permanent posts or declared permanent in the Government Transport Undertaking as on the date of formation of Road Transport Corporation) and quasi permanent Government servants with 5 years or more quasi permanent service as on the date of formation of Road Transport Corporation have the option to either retain the pensionary benefits available to them under the Government rules or be governed by rules of Road Transport Corporation in so far as it relates to the benefits consequent upon retirement, in case they exercise the former option, they will be entitled to receive their pension under pension rules as may be in force in the Government at the time of their retirement from the Corporation.*

*b) Whether a Government servant has opted to retain the pensionary benefits under the Government, he will not be allowed employee's contribution on his Provident Fund in to Corporation, to the date of his relievement there from. The service so rendered in the Corporation will reckon towards service qualifying for pension and the pension and the pension for the entire service (i.e. pre-Corporation and post corporation spells of service) will be paid by the Government. The Government will however, recover the capitalized value (commuted value of pension plus the proportion of D.C.R*

*Gratuity) the Corporation's share of pension from the Corporation the retirement of the concerned, on the basis of service rendered in the Corporation, which will commence from the date of formation of the Corporation.*

*c) In the event of death of an opted of Government pensionary benefits while in service of the Corporation, family pension/DCRG to the family of the deceased will be admissible under the Government rules and liability thereof apportioned as in sub-para (b) above*

*d) In cases of all temporary Govt. servants who did not enjoy C. P. Fund benefits in the Government Transport at the time of formation of Road Transport Corporation and such of the permanent Govt. servants and quasi-permanent servants referred to in (a) above as may opt for Rules(C. P. Fund benefits) of the Corporation, the Govt. will pay to the Corporation the C. P. Fund contribution and interest there on the period of service rendered by such employees in the Transport Undertaking upto the date of formation of Corporation which would have been otherwise due to them had they contributed to the C. P. Fund from time to time since their date of joining G/Transport Undertakings.*

*e) In case of such of the Govt. servants who were already contributing to C. P. Fund in the Government Transport Undertaking, they will continue to have the benefits of C. P. Fund as heretofore in the Corporation from the date of its formation.*

*Options available under (i) and (ii) above will be communicated by 1st May, 1979 to the Managing Director, RTC. Option once exercised will be*

*Government Servants who opt for service in the RTC will be treated to have been deputation with RTC from the date of its formation to the date of their exercising option. No pension contribution or leave salary contribution will be charged from RTC for this period. The leave salary if any paid during the said period of deputation by the Corporation in any case will not be re-imbursable from Government.*

*Government servants who opted for service in the Corporation will cease to be*

*Government servants from the date of their exercising option, except for regulation of their pensionary benefits asunder para ii (a). The said Government servants will be deemed to be the employee of the Corporation and their service conditions so far as those relate to pay, allowances leave, T.A. Discipline and conduct etc. etc. except in respect of pensionary benefits will be governed by the rules of the Corporation.*

11) From a perusal of the afore-quoted order, it is clear that all the employees of GTU were placed at the disposal of newly established Transport Corporation. These employees were broadly given two options. One to seek retirement and avail the terminal benefits as are available to Government employees. The second option was to continue with the newly established Transport Corporation. Those who opt to continue with the Transport Corporation were given option of availing the pensionary benefits as are available to Government employees or in the alternative avail the terminal benefits provided under the Rules of the Corporation. The afore-quoted order does not at all give an option to the employees of GTU to continue to receive benefits as are available to Government Employees except the pensionary benefits.

12) The aforesaid issue has been decided and deliberated upon by a Single Bench of this Court in the case of “**Shah Mohd. vs. State of J&K & Ors.**” (SWP No.108/2001 decided

on 06.02.2009). The relevant observations of this Court are quoted hereinbelow:

*“The application of any rule that governs the employees of the State Government, is not automatically made applicable to the Public Sector Undertakings and the Corporations. It is only if the Corporation or Public Sector Undertakings adopt such rules, then they can become applicable to its employees. Since the Corporation has taken a decision based upon the recommendation of the Government that these rules are not applicable to the employees of the Corporation, no further debate is required in the matter.”*

13) The aforesaid judgment was challenged by the writ petitioner therein by way an appeal bearing LPASW No.23/2009 before the Division of this Court but the same came to be dismissed in terms of judgment dated 17.08.2011. The Division Bench, after considering the purport of Government Order dated 27.03.1979, observed as under:

*“The aforesaid option makes it clear that the employees in Government Transport Undertaking after joining the Corporation could ask for pensionary benefits or under the Corporation. The appellant asked for pensionary benefits as is the stand of the respondents, which admittedly he is getting. He cannot now ask for any benefit beyond that SRO 14, which has not been applicable to the employees of the Corporation, cannot, therefore, be pressed into service by the appellant to seek relief flowing therefrom only to the Government employees.”*

14) From the foregoing analysis of the legal position, it is clear that the matter regarding entitlement of employees of the erstwhile GTU like the petitioners herein stands already

settled by the Division Bench of this Court in **Shah Mohd's** case (supra) by holding that an employee of GTU, after joining the respondent-Corporation, cannot ask for any benefit beyond the pensionary benefits available to a government employee. Thus, the claim of the petitioners pertaining to applicability of SRO 14 of 1996 and SRO 225 of 1997, which have not been adopted by the respondent Corporation, is without any merit.

15) So far as the judgment of the Division Bench in LPA No.32/2012 is concerned, the issue involved in the said case was entirely different, inasmuch as the same related to claim of the employees of respondent Corporation regarding Dearness Allowance and Cost of Living Allowance. It is nowhere provided in the said judgment that employees of the Corporation are entitled to be governed by the service conditions applicable to Government employees.

16) For what has been discussed hereinbefore, I do not find any merit in this petition. The same is dismissed accordingly.

**(Sanjay Dhar)**  
**Judge**

**SRINAGAR**

24.04.2026

"Bhat Altaf-Szeg"

Whether the **Judgement** is speaking:

**YES**

Whether the **Judgement** is reportable:

**YES/NO**