



**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.62/310/2020

M.A. No.62/174/2020

Monday, this the 27th day of July, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

1. Thupstan Tsewang, Age 56 years,
S/o Nawang Choldan, PID No.EXK42307
R/o Alchl, Tehsil Sasapol, Tehsil Saspol,
District Leh
2. Tsering Dorje, Age 58 years,
S/o Nima Stanzin PID No.EXK846436
R/o Wakha Tehsil Shargol, District Kargil
3. Thupstan Wangchuk, Age 55 years,
S/o Stanzin Wangal PID No.EXk846431
R/o Chamshan (Nubra)
Tehsil Sumur District Leh
4. Sonam Angdus Age 54 years,
S/o Jashl Nurboo, PID No.EXk42310
r/OL Nurla Tehsil Khalki District Leh

- Applicants

(Mr. Gagan Kohli, Advocate)

Versus

1. Union Territory of Jammu and Kashmir
Through Commissioner/Secretary to Government,
Home Department, Civil Secretariat, Jammu (J&K)

2. Director General of Police,
J&K Police, Gulshan Ground Jammu,
 3. Inspector General of Police,
Kashmir Zone (Srinagar)
 4. Inspector General of Police,
Ladakh Police, UT of Ladakh
 5. Tsering Namgyal, EXK842162, J&K Police,
Srinagar
 6. Ghulam Hussain EXKB442207, J&K Police,
Srinagar
 7. All Rozi-EXK846432, J&K Police Srinagar,
 8. Tstring Paldan EXKB846437, J&K Police, Srinagar
...Respondents
- (Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

MA No.174/2020, seeking permission to file the present OA jointly is allowed.

2. Thupstan Tsewang, son of Nawang Choldan, resident of Alchi, Tehsil Saspal, District Leh and three other applicants have filed this OA on 20.07.2020, seeking direction to respondents to grant them seniority and promotion as Assistant Sub Inspector (ASI) w.e.f. 28.05.2013, instead of 01.01.2014 along with consequential benefits. The same relief has also been sought as interim relief.

3. We have heard today Mr. Gagan Kohli, applicants' counsel and Mr. Sudesh Magotra, DAG, on behalf of respondents.

4. In the OA and during arguments of their counsel, the main contention of the applicants is that they were enrolled in the Police Department in the year 1984 and then promoted as Head Constables w.e.f. 26.07.2003. However, the benefit of seniority and promotion as ASI has not been granted to them when it became due. While their counterparts have been promoted from 28.05.2013, they have been promoted from 01.01.2014. They have represented to the respondents their grievance on 02.09.2019 which has also been forwarded to Director General of Police (DGP), Jammu & Kashmir, by IGP, Kashmir Zone, on 29.10.2019. However, it has not yet been decided by the respondents.

5. The applicants' counsel submits that the applicants would be satisfied if this OA is disposed of at this stage with direction to the respondents to consider and decide their pending representation dated 02.09.2019 for antedating their promotion from 28.05.2013 instead of 01.01.2014 as ASI, within a specified period of time. The respondents' counsel has no objection to such disposal of this OA.

6. In view of the above submissions, this OA is disposed of at this stage with direction to the respondents to consider and decide with a reasoned and speaking order the representation of the applicants

dated 02.09.2019, which was forwarded by IGP, Kashmir Zone, on 29.10.2019, as per the provisions under the relevant service rules of the applicants. This exercise to be completed by the respondents within 60 days from the date of receipt of a copy of this order. It should be noted that we have not expressed any opinion on the merits of the case of the applicants. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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