



**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.62/488/2020
MA No. 62/446/2020
MA No.62/445/2020

Wednesday, this the 19th day of August, 2020

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

Farooq Ahmad Reshi, age about 49 years,
S/o Assad Ullah Reshi,
R/o Kandizal, Tehsil: Kakapora,
District: Pulwama
(Contact No.7006273221)
Email: Farooqreshi1234@gmail.com

- Applicant

(Mir Majid Bashir, Advocate)

Versus

1. UT of Jammu and Kashmir,
Through the Secretary to Government,
Department of Food, Civil Supplies & Consumer Affairs,
Civil Secretariat, Srinagar
2. Controller,
Legal Metrology Department, J&K,
Srinagar
3. Joint Controller,
Legal Metrology Department, Kashmir,
Srinagar

- Respondents

(Mr. Amit Gupta, AAG for respondents)

O R D E R (ORAL)**Dr. Bhagwan Sahai, Member (A):**

Farooq Ahmad Reshi, son of Assad Ullah Reshi, resident of Kandizal, Tehsil Kakapora, District Pulwama, has filed this OA on 17.08.2020, seeking direction to the respondents to place his case before Departmental Promotion Committee (DPC) to consider his promotion on the post of Manual Assistant Grade-I with all consequential benefits. The same relief, he has also mentioned as interim relief.

2. We have heard today the applicant's counsel, Mr. Mir Majid Bashir and Mr. Amit Gupta, AAG on behalf of the respondents.

3. In the OA, the applicant has stated that –

(i) he is incharge Manual Assistant Grade-I from 19.10.2018, but his case for confirmation (promotion) on this post has not been placed before DPC for want of clearance by Vigilance Organization; although there is no bar for considering his promotion by DPC during pendency of FIR or criminal case when he is otherwise eligible, and no disciplinary proceedings are pending against him;

(ii) 1.8 kanal land belonging to his father was acquired by Collector (Land Acquisition), Pulwama, for widening of national highway but

during the acquisition proceedings, FIR No. 37/2010 was lodged at Police Station Vigilance Organization, Kashmir (now Anti Corruption Bureau) regarding misappropriation of compensation amount for disbursement among eligible beneficiaries and the land owners, like his father and then the case was filed in the Court on 28.04.2015 which is still subjudice;

(iii) in the Office Order No.76 LM of 2018, dated 28.08.2018, the final seniority list of Manual Assistants Grade-II (Division Cadre), Kashmir, Legal Metrology Department, was notified in which he was at Sl. No.6; and

(iv) by order dated 19.10.2018, he has been made incharge Manual Assistant Grade-I and posted at Budgam. For his confirmation as Manual Assistant Grade-I, his case was placed before DPC on 26.09.2019 in which it was not cleared, pending vigilance clearance against him. Therefore, he seeks direction to the respondents to place his case before DPC for confirming his promotion as Manual Assistant Grade-I.

4. During arguments, the applicant's counsel has also submitted that on his grievance, the applicant has submitted a representation (undated) (Annex A-5) to the Controller, Legal Metrology Department, J&K, Srinagar (respondent no.2). But it has not yet been decided by him. Therefore, the applicant's counsel submits that the applicant would be satisfied if this OA is disposed of at this stage with direction to

the respondents to consider and decide his pending representation (undated) (Annex A-5) within a specified time limit. The respondents' counsel has no objection to such disposal of the OA.

5. In view of the above submission, this OA is disposed of at admission stage itself with direction to the respondents to consider the pending representation of the applicant (undated) (Annex A-5) as per relevant provisions of service rules and government instructions applicable to the applicant, relating to requirement of vigilance clearance before promotion of an employee and decide it with a reasoned and speaking order within one month from the date of receipt of a copy of this order and thereafter communicate it to the applicant. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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