

Central Administrative Tribunal Jammu Bench, Jammu

O.A.No.922/2020
(Diary No.4376/2020)

Wednesday, this the 14th day of October, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K.Bishnoi, Member (A)

Habib-ullah Zargar, aged 59 yrs,
S/o Mohammd Akbar Zargar,
R/o Tikkar, Kupwara, Kashmir.

...Applicant

(Mr.M.Y.Bhat, Advocate)

Versus

1. Union Territory of Jammu & Kashmir,
Through Principal Scretary to Govt.,
Housing and Urban Developmnt Departmnt,
Civil Secretariat, Srinagar, Jammu.
2. Director, Urban Local Bodies, Kashmir,
Bemine, Srinagar.

...Respondents

(Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant is working as Head Assistant in the Directorate of Urban Local Bodies, Kashmir, Srinagar, the 2nd respondent herein. The next promotion is to the post of Section Officer. The applicant contends that the post of Section Officer was available as on 01.05.2018 and the respondents did not convene the DPC ever since then.

2. It is stated that the respondents themselves have created uncertainty in the context of deciding whether the post is to be treated as one Division Level or State Level.

3. The OA was listed earlier and we directed Mr.Amit Gupta, the learned Additional Advocate General, to obtain instructions about the stage of convening of DPC. Today, he reported that the Government is prepared to convene the DPC for promotion to the post, but Writ Petition was filed by one person in the Hon'ble High Court of Jammu & Kashmir and an interim order was passed on 23.01.2020 directing status quo.

4. We heard Mr.M.Y.Bhat, learned counsel for the Applicant and Mr.Amit Gupta, learned Additional Advocate General, for the Respondents.

5. The anxiety of the applicant is to get promotion to the post of Section Officer. The process of selection was initiated and the DPC to be convened. We would have certainly directed the respondents to convene the DPC. However, it is brought to our notice that the Hon'ble High Court

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passed an order dated 23.01.2020 in W.P.(C).No.158/2020. It is not known as to whether the Writ Petition is still pending before the Hon'ble High Court or it has since been transferred to this Tribunal. Either way, the applicant has to get himself impleaded in those proceedings and to seek appropriate remedy.

5. We, therefore, close the OA leaving it open to the applicant to get impleaded in the Writ Petition (C)No.158/2020 or the corresponding TA, and to pursue the matter in accordance with law. There shall be no orders as to costs.

(A.K.Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 14, 2020

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