



**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.061/67/2020
(Diary No.061/79/2020)

Tuesday, this the 23rd day of June, 2020

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

Khaldha Akhter, aged 45 years
D/o Sh. Makhan Din
r/o Khawan Tehsil Kalakote District Rajouri
(Mr. Z A Mughal, Advocate)

..Applicant

Versus

1. Union Territory of J & K through
Commissioner / Secretary to Govt.
Social Welfare Department Civil Sectt.
Jammu/Srinagar
2. Director Social Welfare Department, Jammu
3. State Mission Director ICDS J & K, Jammu
4. District Programme Officer, ICDS, Rajouri
5. Pitamber Kumari promoted as Supervisor pursuant to
Order 32-POR/ICDS of 2018 dated 01.05.2018 c/o
District Programme Officer, ICDS, Rajouri,
Respondent No.4 herein

..Respondents

(Mr. Rajesh Thapa, DAG for respondents)

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

Ms. Khaldha Akhtar d/o Mr. Makhan Din, has filed this O.A. under Section 19 of Administrative Tribunals Act, 1985 on 21.06.2020 seeking direction to the respondents to consider her case for promotion as Supervisor, with consequential benefits, from the date when private respondent No.5 was promoted as Supervisor by order dated 01.05.2018.

2. We have heard today Mr. Z A Mughal, applicant's counsel and Mr. Rajesh Thapa, DAG for respondents.

3. In the O.A., the main contentions of the O.A. are that :

(i) she is a graduate Anganwari worker and after her appointment in 1999, she has been working in Anganwari Centre, Khawan in ICDS Project Kalakote;

(ii) under Social Welfare (Subordinate) Service Recruitment Rules, 2009, posts of Supervisor are to be filled 50% by direct recruitment, 25% by selection through Departmental Selection Committee from amongst graduate Anganwari workers having five years of service; and 25% by selection through Departmental Selection Committee from amongst matriculate Anganwari workers with 10 years of service;

(iii) as she has completed 21 years of service, she is eligible for promotion as Supervisor, as per the above Rules;

(iv) she is the senior-most Anganwari worker as per the seniority list issued by District Programme Officer, ICDS, Rajouri by order dated 30.01.2018; and

(v) private respondent No.5 was provisionally selected against the post of Supervisor ignoring the claim of applicant. Then by order dated 01.05.2018, private respondent No.5 has been promoted as Supervisor without considering the applicant's objections and representation, thereby promoting her junior and discriminating against her. Therefore, on the line of private respondent No.5, the applicant seeks to be considered for and promoted as Supervisor.

4. After arguing for some time, the applicant's counsel submits that the applicant would be satisfied if this O.A. is disposed of at the admission stage itself, with direction to the respondents to consider her case for promotion, as per the applicable Rules, for the post of Supervisor, in a specified period of time. The respondents' counsel has no objection to dispose of this O.A. at this stage and assures that the respondents would take a decision on the applicant's representation seeking promotion as Supervisor.

5. In view of these submissions of both the counsels, we think it appropriate to dispose of this O.A. at the admission stage itself, with direction to the respondents to consider applicant's case (along with her pending representation) for promotion to the post of Supervisor, and pass a well-reasoned

and speaking order, within three weeks from the date of receipt of a copy of this order. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

June 23, 2020
/sunil/