

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.61/535/2020

Tuesday, this the 25th day of August, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Bhagwan Sahai, Member (A)**

Behari Lal Koul,
Age 72 years,
S/o Late Sh. Jagar Nath Koul,
R/o C-60, Village Enclave East
Extension, 1-C, Trikuta Nagar,
Jammu.

Applicant

(By Advocate: Mr. M. Tariq Mughal)

Versus

1. The Union Territory of Jammu and Kashmir through Commissioner-cum-Secretary to Govt. Home Department, Civil Secretariat Jammu/Srinagar.
2. The Commissioner-cum-Secretary to Govt. Finance Department, Civil Secretariat Jammu/Srinagar.
3. The Director General of Police, Jammu and Kashmir, Jammu/Srinagar.
4. Sh. Mukhtar Ahmed (Retired), DY. SP S/o Jan Mohd R/o 97, Sant Nagar Colony, Rawal Pura, Srinagar, Kashmir.

Respondents

(By Advocate: Mr. Sudesh Magotra)

O R D E R (ORAL)

{As per Hon'ble Mr.Justice L.Narasimha Reddy, Chairman}

The applicant joined the service of J&K police as ASI in the year 1967. Over the period, he earned promotions to the post of Sub Inspector, Inspector and Dy. Superintendent of Police. His grievance is that though several officers, who are junior to him were promoted to the post of Superintendent of Police, he was not promoted. It is stated that at one stage, promotions were denied to him on the basis of APARS of the years 1997-98 and 1998-99 and despite the fact that the adverse entries were deleted in the year 2004 itself, he is not being considered for promotion. He further contends that at several stages, the promotions were delayed or denied. A representation submitted by him on 04.03.2020 is said to be pending.

2. We heard Mr.Tariq Mughal, learned counsel for the applicant and Mr. Sudesh Magotra, learned counsel for the respondents.

3. The applicant has furnished the particulars of his service, ever since he joined. It appears that there was some delay in promotion on account of adverse entries for the years

1997-98 and 1998-99. On up gradation of APARs, promotion was in fact given to him up to the post of Deputy Superintendent. However, it does not appear to be with effect from the date on which his juniors were promoted.

4. The question as to whether the applicant was entitled to be promoted to the post of Superintendent of Police, and as to why he was not promoted, even while his juniors were extended that benefit, needs to be examined by the respondents. In case the DPC did not recommend the name of the applicant or if the applicant suffered from any other disqualification, that needs to be stated. If on the other hand the applicant was wrongfully denied the promotion, necessary steps need to be taken, to redress his grievance.

5. We, therefore, dispose of the OA directing the respondents to pass orders on the representation dated 04.02.2020 submitted by the applicant within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

(DR.BHAGWAN SAHAI)
MEMBER (ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

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