

Central Administrative Tribunal
Jammu Bench, Jammu

Hearing through video conferencing

This the 18th day of August, 2020

OA No.61/486/2020

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

Noor-ul-Hassan Parray,
Aged 39 years,
S/o Sh. G.H., Parray,
R/o Rah-e-Habib,
Nikki Mohalla, Eidgah Lane,
Sidhera, Tehsil & District Jammu.

(By advocate: Mr. Sunil Sethi)

...Applicant

Versus

1. Union Territory of Jammu and Kashmir,
Through Principal Secretary,
Home Department,
Civil Secretariat, Jammu.
2. Director General of Police,
Jammu and Kashmir,
Police Headquarters, Srinagar.
3. Selection Committee,
Constituted for assessment of
JKPS Officers for grant of NFS
Through its Chairman.

...Respondents

(By advocate: Mr. Amit Gupta)

ORDER (ORAL)

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

The applicant was selected and appointed as Dy. Superintendent of Police in J&K Police on the basis of the performance in the combined competitive examination 2005. It is stated that he was wrongly implicated in FIR 361/2012 and civil proceedings have initiated thereafter in the Hon'ble J&K High Court. He contends that when he was denied the non functional grade of Rs.15,600-39,100 with Grade Pay of Rs. 6,600/- even while his juniors were extended that benefit, he approached the High Court by filing Writ Petition No.2523/2019 and that in compliance with the orders passed therein, the respondents have extended the benefit through order dated 04.12.2019. On 28.02.2020, the Government of J&K promoted 73 Dy.SPs to the post of Superintendent of Police, on officiating basis. The name of the applicant did not figure therein. It is stated that as many as 31 juniors to him were promoted, while such benefit was denied to him. In this OA the applicant prays for a direction to the respondents to consider his case for promotion to the post of SP on officiating basis, on par with his juniors.

2. We heard Sunil Sethi, learned counsel for the applicant and Mr.Amit Gupta, learned counsel for the respondents at the stage of admission.

3. The applicant has furnished his service particulars in detail. He was directly recruited to the post of Dy.SP, but was denied the benefit of the non-functional up gradation even while his juniors were extended that benefit. In W.P.2523/2019 direction was issued to the respondents to consider the applicant, for such up gradation and the respondents have in fact, extended the benefit through order dated 01.07.2018.

4. The present grievance of the applicant is about non-consideration of his case for promotion, on officiating basis, to the post of SP. The order dated 28.02.2020 discloses that as many as 31 juniors to the applicant were promoted to the post of Superintendents of Police. It is not known whether the selection was by any DPC or on the basis of the perusal of the record. Whatever may be the reason, whenever a senior is overlooked, the reasons are required to be mentioned. It is not a case where the applicant is facing any disciplinary proceedings. We cannot arrive at any final conclusion at this stage. Even now, the applicant can make a representation ventilating his grievance.

The Government can be required to consider his representation and to take appropriate steps.

5. We, therefore, dispose of the OA leaving it open to the applicant to make representation to the first respondent within a period of two weeks from today ventilating his grievance. On receipt of such representation, first respondent shall pass appropriate orders within six weeks thereafter.

6. There shall be no order as to costs.

(DR.BHAGWAN SAHAI)
MEMBER (ADMN.)


(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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