



**Central Administrative Tribunal
Jammu Bench, Jammu**
Hearing through video conferencing

O.A. No.61/104/2020

&

MA/61/43/2020

MA/61/42/2020

This the 25th day Wednesday of November, 2020

**Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Nissar Ahmad, Age 49 years,
S/o. Gulam Nabi Mir,
R/o. Shalimar, Srinagar.

.....Applicant in both TA & MAs
(Mr. Bhat Fayaz Ahmad, Advocate)

Versus

1. Union Territory of Jammu & Kashmir
Through Additional Chief Secretary, Home
Department, J& K Govt. Civil Sectt.,
Srinagar/Jammu;
2. Director General of Police,
J&K Police Headquarters, Srinagar;
....Official respondents
3. Mr. Imtiyaz Ahmad Dar, Inspector Police
Department NGO No.4521;
4. Mr. Ajaz Ahmad Bhat, Inspector Police,
Department NGO No.4522;
5. Sandeep Kaur, Inspector Police,
Department NGO No.4540;

6. PSI Rajni Sharma, Inspector Police
 Department NGO No.4367,
 C/o. Director General of Police J&K Govt.,
 Srinagar/Jammu.

..... Pvt. Respondents
 (Mr.Amit Gupta, Additional Advocate General)

O R D E R (ORAL)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)

OA has been filed by the applicant seeking the following relief:-

“i) An order or direction directing the respondents to accord promotion to the petitioner as Inspector w.e.f. 08.06.1998 in light of the citation and on the analogy of Inspector Ab. Khalid Khan who has been granted the promotion vide Government order No. 1933 of 2016 dated 25.06.2016

OR

Direct the respondents to extend the benefit of Judgment passed by Hon'ble High Court in the judgment dated 01.07.2014 titled Abdul Khalid Versus State and Ors in SWP No. 1493/2009 read with judgment dated 07.05.2016 passed in SWP No. 320/2015 titled Abdul Khalid Khan versus State and Ors.

ii) An order setting aside the order dated 29.03.2010 forming Anexure-I to this application.”

2. Heard Mr. Bhat Fayaz Ahmad, Learned Counsel for the applicant and Mr. Amit Gupta, Learned Additional Advocate General.

3. During the course of hearing, learned counsel for the applicant submits that OA can be disposed of by directing the respondents to consider his case for retrospective promotion by taking into account the judgement of the Hon'ble Hon'ble High Court dated 01.07.2014 in the case of Abdul Khalid Versus State and Ors in SWP No. 1493/2009 read with judgment dated 07.05.2016 passed in SWP No. 320/2015 in the case of Abdul Khalid Khan versus State and Ors.

4. In view of the submissions made by learned counsel for the applicant, OA is accordingly disposed of by directing the respondents to consider the case of applicant for retrospective promotion in accordance with law governing the said plea within a period of two months from the date of receipt of copy of this order by passing a reasoned and speaking order with intimation to the applicant.

5. It is made clear that we have not commented anything on the merits of the case. The OA is accordingly disposed of. In view of the disposal of the OA, pending MAs 42 & 43/2020 stands disposed of. There shall be no order to costs.

(Mohd. Jamshed)
Member (A)

(Rakesh Sagar Jain)
Member (J)