

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAMMU BENCH, JAMMU

Hearing through video conferencing

Original Application No. 61/621/2020

Friday, this the 9th day of October, 2020

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

Dr. Surraya Jabeen, age 64 years, W/o. Dr. Gulzar Ahmed Nahvi,
R/o. at present at Gulmarg Colony, Bhatindi, Tehsil Bahu,
District Jammu.

Applicant

(By Advocate : Mr. Faheem Shokat Butt)

V e r s u s

1. Union Territory of Jammu & Kashmir, through
Commissioner Secretary to Govt. Animal and Sheep
Husbandry Department, Civil Sectt., Srinagar/Jammu.
2. Director, Sheep Husbandry, Kashmir, Lal Mandi, Srinagar.
3. Accountant General, J&K.

Respondents

(By Advocate : Mr. Rajesh Thapa, Deputy Advocate General)

O R D E R (Oral)

Hon'ble Mr. Pradeep Kumar, Member (A) -

1. The applicant herein was a Veterinary Assistant Surgeon appointed on 9.11.1983. She superannuated on 31st October, 2007. The Government has issued certain directions to give two time bound promotions vide SRO

43/2004 on 17.2.2004. Two such promotions were to be granted to eligible staff on notional basis wef 1.1.1996 and actual basis wef 17.2.2004.

2. Subsequently another instruction was issued on 1.1.2010, to grant the 3rd promotion also to the eligible staff. This was not granted to those who had retired before 1.1.2010. Some of the aggrieved staff approached Hon'ble High court of J & K at Jammu in SWP 601/2014. This was allowed on 19.2.2016. The respondents challenged this order by filing LPA(SW) 160/2017, which was dismissed on 22.12.2017.
3. Simultaneously, another Writ was filed before Hon'ble High court of J & K at Srinagar in SWP 1302/2011, which was also allowed on 12.10.2017. Thereafter, the State Administrative Council took a decision for its implementation on 25.1.2019 and follow up Govt Order was issued on 18.2.2019. Thereafter, those petitioners were granted the benefit of 3rd financial upgradation.
4. However, in the meanwhile, the Hon'ble High Court decision Dt. 22.12.2017 (para 2 supra) was further challenged before a Division Bench at Srinagar, which was also dismissed on 18.12.2019.

5. The applicant is aggrieved because the 3rd time bound promotion has not been granted to her on the plea that instructions on the same were issued on 1.1.2010 whereas she had already superannuated on 31st October, 2007. The applicant however, contends that in terms of the decisions by Hon'ble High Court (Para 2, 3 and 4 supra) and the decision by State administrative Council (Para 3 supra), she is also due to be granted the 3rd time bound promotion.

6. Matter has been heard. Issue Notice. Shri Faheem Shokat Butt, learned counsel appeared for the applicant and Mr. Rajesh Thapa, Deputy Advocate General appeared for the respondents.

7. At this stage, the applicant's counsel submitted that they will be satisfied if an opportunity is given to the applicant to submit a detailed representation, on which the respondents shall take a decision in a time bound manner by passing a reasoned and speaking order under advice to applicant.

8. The applicant is granted liberty to submit a detailed representation within next 15 days and on receipt of the same, the respondents shall pass a reasoned and speaking order within a period of three months thereafter, duly taking into account the decisions communicated by the Hon'ble High Court of Jammu & Kashmir and State Administrative Council in the matter. A copy of the said decision shall be advised to the applicant, who shall retain liberty to agitate the matter if some grievance still subsists.

9. The Original Application is disposed of as above. No costs.

(PRADEEP KUMAR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

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