



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.879/2020
(S.W.P. No.1235/2002)

Thursday, this the 10th day of December, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

1. Sh. Tirath Ram Sapoli, S/o Sh. Karam Chand, R/o Vill. Chakouri, Teh. R.S. Pura (age 40 yrs).
2. Sh. Raj Kumar Symbyal, S/o Sh. Gian Chand, R/o Krishan Nagar, Jammu (age 39 years).
3. Sh Daulat Ram Bhagat, S/o Sh. Lal Chand Bhagat, R/o Doda (age 44 yrs).
4. Sh. Joginder Kumar, S/o Sh. Indru Ram, R/o Batthera Bhalwal, Jammu (Age 39 years).
5. Sh. Kuldeep Kumar Kaith, S/o Late. Garib Dass, R/o Vill. Chohala, Teh. R.S. Pura, Distt. Jammu (age 40 yrs).
6. Sh. Daleep Kumar, S/o Sh. Punu Ram, R/o Vill & P.O. Vijay Pur. Teh. Samba (age 42 yrs) (A.E. of R&B Wing)

..Applicants

(Mr. C.S. Azad, Advocate)

Versus

1. State of Jammu and Kashmir through Chief Secretary J&K Govt. Civil Sectt, Jammu.
2. Principal Secretary to Govt. Public Works Department, J&K Gov. Civil Sectt. Jammu.
3. J&K Public Service Commission through its Chairman, Old Sectt. Mubarakh Mandi, Jammu/Srinagar.
4. Commissioner/Secretary PHE, Irrigation & Food Central Deptt. J & K Govt. Civil Sectt., Jammu

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants state that all of them belong to scheduled caste category and were appointed as Junior Engineer in PHE & IFC Department. Thereafter, they were posted in the Public Works Department. The applicant Nos. 1 to 5 were working as Junior Engineers in the Hydraulic Wing of Public Works Department and applicant No.6 was working in R & B Wing. They were made In-charge Assistant Engineers in the Public Works Department.

2. The grievance of the applicants is that though they were holding the post of Assistant Engineer almost for a decade, their services were not regularized in that post and in the meanwhile, several others are being promoted. By citing certain Government orders, which provide for retrospective promotion of Engineers working on permanent basis, they filed S.W.P. No.1235/2002 before the Hon'ble High Court of Jammu & Kashmir, claiming relief of regularization of their services as Assistant Engineer in terms of the Government order dated 16.02.2001 with retrospective date, i.e., on which date they assumed the charge of the post. They have also claimed consequential reliefs. In view of re-organization of the State of Jammu & Kashmir, the S.W.P. has been transferred to this Tribunal and renumbered as T.A. No.879/2020.



3. The S.W.P. was filed way back in the year 2002, at a time when the applicants were working as Assistant Engineers on incharge basis. During the pendency of the case, they have been promoted on regular basis to the post of Assistant Engineer and as of now, they are said to be working as Executive Engineer on in-charge basis. In case the claim of the applicants, be it in the context of reservation in promotion or otherwise subsists, it will be open to them to work out the remedies. The prayer in the T.A. has become infructuous.

4. We, therefore, dispose of the T.A. directing that if the applicants have any grievance regarding their promotion to the post of Executive Engineer, or the effective date, it shall be open to them to make a representation. The respondents, in turn, shall pass appropriate orders on such representation, if made. There shall be no order as to costs.

There shall be no order as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 10, 2020

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