

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing



T.A./61/1564/2020 (SWP.No.2198/2002)

Dated: this the 03rd day of November, 2020

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. MOHD. JAMSHED, MEMBER (A)**

Mohd Taj Khan age 51 years, S/o Late Sh. Ghulam Hussain
R/o Village Banola Tehsil Mendhar District Poonch.

.....Applicant

(Advocate: Mr. O.P. Thakur)

Versus

1. State of Jammu and Kashmir through Principal Secretary to Government Home Department Civil Secretariat Srinagar.
2. Director General of Police Police Headquarter Srinagar.
3. Senior Superintendent of Police Jammu.
4. Sub Divisional Police Officer City North Jammu.

.....Respondents

(Advocate:- Mr. Sudesh Magotra, Deputy Advocate General)

ORDER [O R A L]**Justice L. Narasimha Reddy, Chairman:**

The applicant filed SWP.No.2198/2002 claiming relief in the form of a direction to the respondents to promote him to the post of Inspector with effect from 16.02.1991 and to the post of DSP with effect from 01.03.1991, with all consequential benefits and seniority. He claims retrospective promotion on the basis of the out of turn promotions of his juniors.

2. The respondent filed a counter affidavit. It is stated that the promotion of the juniors to the applicant to higher post was on the basis of the recommendations of the Selection Committee and on account of certain achievements by them. It is also mentioned that the applicant was considered for promotion in accordance with the orders passed by the Hon'ble High Court in SWP.No.687/2002 and he was not found eligible for out of turn promotion.

3. The SWP has since been transferred to this Tribunal in the view of the re-organization of the State of Jammu & Kashmir into Union Territory and renumbered as TA.No.1564/2020.

4. We heard Sri O.P.Thakur, learned counsel for the Applicant and Mr.Sudesh Magotra, learned Dy. Advocate General, for the Respondents.

5. The claim of the applicant for retrospective promotion is not based on the seniority, or in a routine manner. Some of his juniors were extended the benefit of out of turn promotion, obviously on account of their achievements. The promotions were ordered in accordance with the guidelines framed for that purpose. At one stage, the applicant approached the Hon'ble High Court by filing SWP.No.2198/2002 and in the light of the directions issued therein, the case of the applicant was also considered. However, he was found not fit for out of turn promotion. The law recognizes the right of an employee to be considered for promotion, that too in the regular channel. No one can claim out of turn promotion, as a matter of right. The applicant is not able to point out that any decision taken by the respondents as erroneous or illegal in any manner.

6. We do not find any merit in this TA and the same is dismissed. There shall be no order as to costs.

**(MOHD. JAMSHED)
MEMBER (A)**

**(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN**

Dsn