



Central Administrative Tribunal Jammu Bench, Jammu

O.A. No.874/2020

Wednesday, this the 30th day of September, 2020

(Through Video Conferencing)

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

1. Abdul Razak, Age: 58 years
S/O Lal Din
R/O Kalaban Tehsil Mendhar District Poonch.

...Petitioner

(Mr. M A Bhat, Advocate)

Versus

1. State of Jammu and Kashmir through
Commissioner Secretary to Government.
Rural Development Department,
Civil Secretariat, Jammu.
2. Director General
Rural Development Department Jammu
Gramin Vikas Bhawan, Talab Tillo Jammu.
3. Roshan Lal, Panchayat Inspector Grade-I, Block Kalakote
4. Pritam Lal, Panchayat Inspector Grade-I,
5. Mohinder Singh, Panchayat Inspector Grade-I.
6. Sanjeev Kumar, Panchayat Inspector Grade-I, Block
Bhalla
7. Mukesh Sharma, Panchayat Inspector Grade-I, I/C
Principal RETC R.S. Pora.
8. Inderjeet presently attached with the office of respondent
no. 2



9. Lal Chand presently attached with the office of Director Rural Development Department Jammu.
10. Joginder Lal presently attached with the office of Director Rural Development Department Jammu.
11. Romesh Chander Panchayat Inspector Grade-I Block Bhalwal Jammu.
12. Om Dutt Attri presently attached with the office of Director Rural Development Department Jammu.
13. Ahjaz Ahmed presently attached with the office of Director Rural Development Department Jammu.
14. Farooq Ahmed Panchayat Inspector grade-I C/O Director Rural Development Department Jammu.
15. Abdul Majid Panchayat Inspector grade-I C/O Director Rural Development Department Jammu.
16. Mohd. Rafi Panchayat Inspector grade-I C/O Director Rural Development Department Jammu.
17. Arif Ayaz Dar Panchayat Inspector grade-I C/O Director Rural Development Department Jammu.
18. Om Prakash Khokhar Panchayat Inspector grade-I Director Rural Development Department Jammu.
19. Anis Ahmed Panchayat Inspector grade-I Director Rural Development Department Jammu.
20. Ashok Kumar Panchayat Inspector grade-I Director Rural Development Department Jammu.

...Respondents

(Mr. Amit Gupta, Additional Advocate General)



OR D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant is working as Panchayat Inspector Grade-I. Through order dated 15.09.2020, 03 Panchayat Inspectors Grade-I were placed on look after charge of Block Development Officer of various places. Through another order dated 21.09.2020, 08 Panchayat Inspectors Grade-I are placed incharge of the higher posts.

The applicant contends that all the 11 persons, who are conferred with the benefit are junior to him by two years are juniors and that the respondents have overlooked his seniority. He filed this O.A. challenging the orders dated 15.09.2020 and 21.09.2020 by raising several grounds.

2. We heard Mr. M. A. Bhat, learned counsel for applicant and Mr. Amit Gupta, Additional Advocate General, at the stage of admission, through video conferencing.

3. The applicant claims to be senior to the persons, who are conferred with the benefit of the look after charge or incharge arrangement through orders dated 15.09.2020 and 21.09.2020. Even, if it is a look after charge or Incharge arrangement, the respondents are required to follow the seniority. It is only when an employee is facing disciplinary or criminal proceedings, that



he can be overlooked, as it can be done in regular promotion. If the applicant is not facing any such proceedings, he deserves to be extended the same benefit on par with his juniors. However, this can be examined in detail in case the applicant makes a representation to the respondents.

4. We, therefore, dispose of the OA, directing that it shall be open to the applicant to make a representation ventilating his grievance within a period of two weeks from today. On receipt of representation, the respondents shall examine the matter and ensure that the applicant is not denied of his right on the basis of seniority as long as he is not facing any criminal or disciplinary proceedings. The necessary orders in this behalf shall be passed within four weeks thereafter.

We make it clear that we did not express any view as regards the status of the applicant and it is for the respondents to take decision in this behalf.

There shall be no orders as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

September 30, 2020

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