

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 061/2090/2020

This the 15th day of October, 2020

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

Prem Nath Raina age 46 years, S/o Late Sh. Girdhari Lal, R/o Ward No. 8,
Parliament, Kathua.

.....Applicant

(Advocate: Mr. Ankur Sharma)

Versus

1. The State of Jammu and Kashmir through Commissioner-cum-Secretary
Home Department, Civil Secretariat, Jammu (J&K)
2. The Director General of Police, Jammu and Kashmir, Jammu.
3. The Inspector General of Police, Jammu Zone, Jammu.
4. The Senior Superintendent of Police, Kathua.
5. The Station House Officer, Police Station City, Kathua.

.....Respondents

(Advocate: Mr. Amit Gupta, AAG)

ORDER

[O R A L]

1. The applicant was appointed as Special Police Officer (SPO) in the
Jammu & Kashmir Police. It is stated that applicant along with other



SPOs started operation against the militant, which was took place on 28.03.2014 in which the applicant and other police officials were present and they were the successful in gunning down terrorists.



2. Vide Government Order No. 1962 of 2015 dated 06.07.2015 it was mentioned that in pursuance of Government instructions conveyed vide letter No. Home/PB-III/62/G/2008 dated 09.06.2008 read with letter No. Home/PB-III/62/G/2008 dated 25.09.2009 and as recommended by the Range Level Selection Committee of JK Range Jammu received through IGP Jammu Zone and as approved by Police establishment Board Sanction is hereby accorded to the appointment of 16 SPOs of Police Component Jammu as Constables in J&K police on operational grounds included one SPO Ravi Singh, who was also regularized in JKP as Constable on operational grounds and his name was figuring in the said order at Sl. No.1. The applicant submits that though he was part of the team which was involved in the militant operation, his name was not considered and thereby, denied them the benefit of appointment.
3. The applicant seeks direction to the respondents to appoint the applicant in J&K Police department as Follower/Constable with retrospective effect i.e. from the date of acquiring eligibility on parity with Ravi Singh and Hardev Singh on operational grounds.
4. We heard Mr. Ankur Sharma, learned counsel for the applicants and Mr. Amit Gupta, learned counsel for the respondents.



5. It is a matter of record, that an operation took place in the night of 28.03.2014. The respondents issued order dated 06.07.2015 extending the benefit of appointment of 16 SOPs. The question as to whether the applicant was part of the team, and if so is the role played by him, needs to be examined by the respondents. We cannot express any definite view in this behalf. In case the applicant has actually participated and played the role as did others, mentioned in the proceedings, dated 28.03.2014, he too would be entitled such benefit. If on the other hand his participation was not that critical or a reasoned important, the benefit need not be extended. Order needs to be passed in this behalf.
6. We, therefore, dispose of the OA directing the respondents to pass orders for the claim of the applicant after verifying their record, within a period of four weeks from the date of receipt of a certified copy of the order. There shall be no order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

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