

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/7514/2020

This the 14th day of December, 2020



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

Ichpaul Singh alias Shanty aged 49 years, S/o S. Janak Singh, HC
213/BD PID No. EXK-961472, SOG Magam (Kashmir).

.....Applicant

(Advocate: Mr. Anil Sethi)

Versus

1. State of Jammu & Kashmir Through Principal Secretary, Home
Department, Civil Secretariat, Srinagar.
2. Inspector General of Police Srinagar,
3. Sr. Superintendent of Police Badgam, Srinagar (Kashmir).

.....Respondents

(Advocate: Mr. Amit Gupta, Id. Additional Advocate General)

ORDER**[O R A L]**

Delivered by Hon'ble Mr. Anand Mathur, Member (A): -



Learned counsel for the applicant submits that the applicant was appointed as Driver Constable in the Police Department in the year 1996 and right from that period his services were utilized for anti-militancy operations. It is stated that two encounters took place on 27.09.2000 and 30.07.2011, in which he gunned down two terrorists. The Government extended the benefits of 'out of turn promotion' to eight of his counterparts vide orders dated 04.10.2000 and 06.08.2001. He further contends that though the applicant too was a part of the team which was involved in the encounter, he has been denied the benefit of out of turn promotions. The applicant also made representations on 15.09.2015 and 13.06.2017 to the Sr. Superintendent of Police – the third respondent herein. With this background, the applicant seeks a direction to the respondents to consider his case for extending the benefits such as citations, awards and out of turn promotion.

2. We have heard Mr. Anil Sethi, learned counsel for the applicant and Mr. Amit Gupta, learned Additional Advocate General.

3. It is a matter of record, that encounters took place on 27.09.2000 and 30.07.2001. The Government extended the benefit of out of turn promotions to eight officials vide order dated 04.10.2000 and 06.08.2001. The question



as to whether the applicant was part of the team, and if so 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 27.09.2000 and 30.07.2001, he too would be entitled to such benefit. If on the other hand his participation was not that critical or important, the benefit need not be extended. A reasoned order needs to be passed in this behalf.

4. We, therefore, dispose of the OA directing the second respondent/competent authority to pass orders on the representation dated 13.06.2017 submitted by the applicant after verifying his record, within a period of four weeks from today. There shall be no order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Arun