

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/1074/2021

This the 22nd day of July, 2021

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



Munish Gupta, Age 32 yeas, S/o Late Sh. Vijay Gupta, R/o H. No. 178, Upper Bazar Gali, Gadha Dhar Mandir Panjtrithi, Tehsil and District Jammu.

....Applicant

(Advocate:- Mr. Ajay Bakshi)

Versus

1. UT of J&K, through Commissioner Secretary Health & Medical Department, Civil Secretariat, Jammu-180001.
2. Principal, Government Medical College, Jammu-180001.

.....Respondents.

(Advocate: Mr. Amit Gupta, learned A.A.G.)

**ORDER
ORAL**

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

The case of the applicant is that he was appointed as Class IV employee by the respondents vide order no. 198 AHJ of 2014 dated 26.09.2014. After serving the department for almost 6 years, the applicant became eligible for promotion. A circular was issued by the respondents whereby all the Medical Superintendent of Government Medical College and Hospital and Associate Hospital, Jammu were directed to furnish the information in respect of Class IV employees working in their respective hospitals having undergone diploma/degree courses in any discipline from ITI/Government recognized institute. The applicant submitted all the requisite documents and after completion of the formalities, the respondents prepared the seniority list of Class IV employees wherein the name of the applicant was reflected at serial number 486.



Thereafter, SRO No. 778 dated 25.10.2019 was issued by the respondents whereby it was notified that the cadre of Government Medical College (Subordinate and Non-Gazetted service) UT of Jammu and Kashmir shall comprise the post as indicated in Schedule I to the notification and the cadre for the Social Worker post was also reflected in the said notification at S. No. 179 and number of post of Social Worker in the Department was mentioned as 10. The respondents conducted the DPC for non-gazetted posts in the Govt. Medical College and its Associate Hospitals and the name of the applicant was reflected at S. No. 1 in the said DPC. However, the DPC conducted by Respondent No. 2 was deferred till clarification with respect to the qualification acquired by Class IV is received from the Administration Department. The Administrative Department vide order dated 15.04.2021 directed the Respondent No. 2 to refrain from referral of such cases to the Administrative Department where the rule position is already clear. However, despite receiving the clearance from the Administrative Department, the case of the applicant for promotion to the post of Social Worker has not been considered by the respondents till date. Hence, the present O.A.

2. Learned counsel for the applicant submits that the applicant had furnished a representation dated 16.04.2021 (Annexure No. A-9 to the O.A.) to the respondents, however, no action has been taken on the same. He further submits that the applicant will be satisfied, if a direction is issued to the respondents to take a decision on the aforementioned representation within a stipulated time frame.

3. We have heard Mr. Ajay Bakshi, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G. for the respondents and perused the records.

4. Looking to the limited prayer made by the learned counsel for the applicant, the O.A. is disposed of with direction to the respondents to take a decision on the representation dated 16.04.2021 (Annexure No. A-9 to the O.A.) by passing a reasoned and speaking order and communicate the decision so taken to the applicant within a period of two weeks from the date of receipt of a certified copy of this order.

5. It is made clear that we have not entered into the merits of the case.

6. No order as to costs.



(ANAND MATHUR)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)