



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.328/2020
(S.W.P. No.488/2005)

Monday, this the 24th day of May, 2021

(Through Video Conferencing)

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

1. Tarlochan Singh, Age 44 yrs
S/o Sh. Isher Singh
R/o Karan Bagh
Upper Gardi Garh, Jammu
2. Tara Chand, Age 45 yrs
S/o Sh. Kabal Ram
R/o Sum Toph
Flain Madaal, Teh. & Distt-Jammu.
3. Ajay Kachroo, Age 36 yrs
S/o Sh. Badri Nath Kachroo
R/o H.No. 412, Lane No. 4, Adarsh Nagar
Barnai Road, Jammu.
4. Garu Ram, Age 44 yrs
S/o lagte Sh. Dhanna Ram
R/o Gorkha Nagar, Bahu Fort, Jammu.
5. Kumar Ji Mawa, Age 42 yrs
S/o Sh. Pitambar Nath Mawa
R/o Patta Bohri, Talab Tillo, Jammu.
6. Veena Devi, Age 34 yrs
W/o Sh. Jatinder Kumar, R/o Kathua.
7. Harvinder Kour, Age 45 yrs
W/o S. Mangat Singh
R/o H. No. 44, Lane No. 6
Indira Colony, Old Janipura, Jammu.
8. Roop Lal, Age 38 yrs
S/o late Sh. Des Raj



R/o Mahin Charakan
Teh & Distt Jammu.

9. M.L. Sharma, age 44 yrs
S/o late Sh. Dharam Chand
R/o Khanna Chadgal
Teh- Samba Distt. Jammu.
10. Hira Lal, age 51 yrs
S/o late Sh. J.N. Koul
R/o Laxmi Nagar, Muthi, Jammu.
11. Charan Dass, Age 35 yrs
S/o Sh. Puran Chand
R/o Sidhara, Near Dug well
Bye Pass Road, Jammu.
12. Chuni Lal Zutshi, Age 47 yrs
S/o Sh. Dina Nath
R/o Ajit Colony, Gole Gujral, Jammu.
13. Ramesh Lal, Age 39 yrs
S/o Sh. Hans Raj
R/o Baja Chak, Teh –R.S. Pura
Distt Jammu.
14. Sardari Lal, Age 39 yrs
S/o Sh. Durga Dass
R/o Bandarali, Teh- Bishnan, Distt Jammu.
15. Sham Lal, Age 40 yrs
S/o Sh. Babu Ram
R/o H.No. 40, Ambedkar Nagar, Janipura, Jammu.
16. Arvind Singh, Age 46 yrs
S/o Sh. Harnam Singh
R/o Mandi Sungwali
Teh-Samba, Distt-Jammu.
17. Jeeta Raina, Age 44 yrs
W/o Sh. R. Dhar
R/o Quarter No. E-6
New B.C. Road, Jammu.



18. Ajeet Singh, Age 44 yrs
S/o Sh. Kartar Singh
Sidhara, Bye Pass, Jammu.

... Applicants
(*Nemo* for applicants)

Versus

1. State through
Chief Secretary
Govt. of J&K, Civil Sectt. Jammu/Srinagar
2. State through
Commissioner/Secretary
Tourism/Floriculture Deptt.
Govt. of J&K, Civil Sectt. Jammu/Srinagar.
3. Finance Commissioner
Dept. Of Finance, govt. of J&K
Civil Sectt. Jammu/Srinagar.
4. Planning Commissioner
Dept. Of Planning, Govt. of J&K
Civil Sectt. Jammu/Srinagar.
5. The Director
Dept. Of Gardens, Parks and Floriculture
Govt. of J&K, Jammu/Srinagar.
6. The Joint Director/Project Officer (Bagh-e-Bahu)
Dept. Of Gardens, Parks and Floriculture
Govt. of J&K, Civil Sectt. Jammu.

... Respondents
(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants state that they were initially engaged in various capacities in different Departments on contractual or daily wage basis between 1980 and 1987 and their services were



regularized mostly in the year 1994, except in one or two cases. According to them, the respondent Nos. 5 and 6, i.e., the Director, Department of Gardens and the Joint Director, Department of Gardens, mooted proposal in the year 2004 before respondent Nos. 1, 2 and 3, i.e., the Chief Secretary, the Commissioner of Floriculture Department and Finance Commissioner, Department of Finance, for creation of posts in the pay scale of Rs.950-1500 for accommodating the applicants and though much time has elapsed, no action has been taken thereon. They filed SWP No. 488/2005 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondent Nos. 1, 2 and 3 to consider the proposal submitted by respondent Nos. 5 and 6 for creation of posts in the pay scale of Rs.950-1500.

2. The applicants contend that though they were regularized way back in the year 1995, they were not accommodated in an appropriate scale of pay; and having regard to their length of service and absence of promotional avenues, the respondent Nos. 5 and 6 submitted a proposal and they were not being considered.

3. The record discloses that the respondents did not file any counter affidavit.

4. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.328/2020.

5. Today, there is no representation for the applicants. We perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General.

6. The effort of the applicants is to ensure that the proposal said to have been submitted by the respondent Nos. 5 and 6 is acted upon. By its very nature, such a claim cannot be entertained by this Tribunal. It is for the administration to take note of various factors, such as workload, financial status, structure of cadre and then to take a decision. The posts are created to cater to the needs of the Department and not just to accommodate persons, that too, who were engaged initially on contractual basis. The financial implication is another aspect.

7. Be that as it may, the SWP was filed in the year 2005. The state of affairs cannot be expected to remain static for the post for one and a half decades. If no action has been taken on the proposal, the matter can be taken as closed. If on the other hand



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the steps are taken, the benefits thereof need to be extended to the applicants.

8. We, therefore, dispose of the T.A. with the above observations. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 24, 2021
/sunil/jyoti/ns/sd/