



## Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 6751/2020  
(SWP No.1295/2003)

This, the 25<sup>th</sup> day of January, 2021

(Through Video Conferencing)

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

Bansi Lal Tidyal, Age 53 years,  
S/o Sh. Dina Nath,  
R/o E.P. Agnihotri Gali, Panjtirthi, Jammuy, presently,  
Posted as Tehsildar, Revenue Training School, Jammu.

... Applicant  
(Mr. S K Anand, Advocate)

Versus

1. State of Jammu and Kashmir,  
Through Principal Secretary to Government,  
Revenue Deptt.,  
Civil Sectt., Jammu
2. Financial Commissioner,  
Revenue Department,  
Civil Sectt., Jammu.

... Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

### ORDER (ORAL)

**Mr. Justice L. Narasimha Reddy:**

The applicant was appointed as Naib Tehsildar in the Revenue Department of Jammu & Kashmir on 31.12.1973. Another batch of Naib Tehsildars was appointed on 09.10.1973. In the context of fixing of seniority etc., the batch of Naib

Tehsildars appointed on 09.10.1973, which included Sardar Shabir Ahmed Khan, instituted the proceedings before the High Court of Jammu & Kashmir and thereafter, the Hon'ble Supreme Court. Certain directions were issued as regards the fixation of their seniority and promotion.



2. The batch of Naib Tehsildars appointed on 31.12.1975 included 118 candidates. They were to be assigned the places in the seniority, depending upon their clearing a prescribed examination within two years. The applicant was placed at a lower place in the seniority and not in accordance with the initial merit. He filed SWP No.1295/2003 with a prayer to direct the respondents to fix his seniority in accordance with the places assigned in the order dated 31.12.1973, through which, he and others were appointed, and to extend him the benefit of the directions issued in Writ Petition and the SLP filed by Sardar Shabir Ahmed Khan and others. He has also prayed for quashing of the seniority list dated 24.05.2002.

3. The applicant contends that once he was assigned a place at the time of appointment, it could not have been changed to his detriment, except on the basis of any disciplinary proceedings. It is also stated that he stands on the same footing as Sardar Shabbir Ahmed Khan.

4. On behalf of the respondents, a counter affidavit is filed. It is stated that the applicant cannot draw a comparison with Sardar Shabir Ahmed Khan and others on account of the fact that



he came to be appointed two months subsequent to them. As regards the change of place in the seniority, it is stated that as against 118 candidates, only 28 cleared the examination, and accordingly the seniority list was prepared, duly assigning the proper place to the candidates who successfully cleared the examination. According to them, the applicant did not pass in the examination, in the 1<sup>st</sup> instance.

5. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and renumbered as TA No.6751/2020.

6. We heard Mr. S. K. Anand, learned counsel for the applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.

7. The grievance of the applicant is twofold. The 1<sup>st</sup> is about the benefits that were extended to Sardar Shabir Ahmed Khan and denial of the same to him. The 2<sup>nd</sup> is about fixing of his seniority in the post of Naib Tehsildar.

8. So far as the 1<sup>st</sup> aspect is concerned, the applicant could have certainly drawn parity, in case he was one of the Naib Tehsildars, appointed along with Sardar Shabir Ahmed Khan. It is not in dispute that Sardar Shabir Ahmed Khan and others were appointed through an order dated 09.10.1973 whereas the batch of the applicant was appointed through order dated 31.12.1973. Once the dates of appointment are different, the applicant cannot



compare himself with the Naib Tehsildars who were appointed two months earlier to him.

9. As regards the 2<sup>nd</sup> aspect, it is true that the applicant was assigned a particular place in the order of appointment dated 31.12.1973 and that was changed in the seniority list published in the year 2002. This is on account of the fact that at the time of appointment itself, it was mentioned that the candidates must clear a test, within two years from the date of appointment. Out of 118 candidates, only 28, which does not include the applicant, have cleared it. Naturally, the candidates who cleared the examination need to be accorded their proper place in the seniority list. At any rate, the applicant has retired from service almost a decade ago and nothing can be done at this length of time.

10. We do not find any merit in the T.A. and it is accordingly dismissed. There shall be no order as to costs.

**( Pradeep Kumar )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

lg/pj/sunil/vb/ankit