



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 6800/2020
(SWP No.2151/2003)

Wednesday, this the 27th day of January, 2021

(Through Video Conferencing)

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

Raj Kumari Kapahi W/o Sh. Ashok Nanda, Age 44 years, R/o H.No. 2, Lower Roop Nagar, Chandan Vihar, Behind Muthi Camp, Jammu.

.Applicant

(None for applicant)

Versus

1. State of Jammu and Kashmir through Commissioner/Secretary to Govt., Tourism Department, Civil Secretariat, Jammu.
2. Director General Tourism, J&K, Jammu.
3. Mrs. Roshan Ara, Tourism Officer, T.R.C. Srinagar.
4. Mrs. Sadiqa Parveen, Tourism Officer, T.R.C. Srinagar.
5. Mrs. Maymoona Akhtar, Tourism Officer, T.R.C. Srinagar.
6. Mrs. Miara Bano, Tourism Officer, T.R.C. Srinagar.
7. Sh. Abdul Rashid Bhat, Tourism Officer, T.R.C. Srinagar.
8. Mrs. Rifat Ara, Tourism Officer, T.R.C. Srinagar.
9. Mr. Ravinder Kaw, Tourism Officer, T.R.C. Srinagar.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicant was initially appointed as a Lady Receptionist in the Jammu & Kashmir Tourism Department in the year 1983. Thereafter, she was promoted to the post of Assistant Tourist Officer (ATO) in 1994. In the seniority list for the post of ATO, she is said to have been shown at a higher place. It is stated that the respondent Nos. 3 to 9 did not figure anywhere in the seniority for the post of ATO. The grievance of the applicant is that the respondent Nos. 3 to 9 were *en bloc* promoted to the post of Tourist Officers, through order dated 22.10.2003, ignoring her seniority. She filed SWP No.2151/2003 before the Hon'ble High Court of Jammu & Kashmir with a prayer to set aside the order dated 22.10.2003 and to direct the respondents to consider her case for promotion to the post of Tourist Officer.

2. The applicant contends that there was absolutely no basis for respondent Nos. 1 and 2 in promoting the respondent Nos. 3 to 9 as to Tourist Officers, particularly when their names did not figure in the seniority list for the feeder post.

3. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that respondent Nos. 3 to 9 were born on the establishment of Tourism Department and for quite some time, they were on deputation to Sher-e-Kashmir International Convention Centre (SKICC) and were permanently absorbed

therein. At a later point of time, they were repatriated to the parent organization, i.e., the Tourism Department.

4. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and renumbered as TA No.6800/2020.



5. Today, when the case is listed for hearing, there is no representation for the applicant. We heard the arguments of Mr. Sudesh Magotra, learned Deputy Advocate General and perused the record.

6. Promotion to the post of Tourist Officer took place way back in the year 2003. Since the Hon'ble High Court also passed an order directing that the case of the applicant shall also be considered for promotion.

7. What emerges from the record and in particular, the counter affidavit, is that the respondent Nos. 3 to 9 were initially employees of the Tourism Department and though they went on deputation and later on, absorbed in SKICC, they were repatriated, the reasons apart. Once they came back to Tourism Department, they naturally would get their earlier seniority. The names of respondent Nos. 3 to 9 were not reflected in the seniority list for the post of ATO, because they were serving at a different organization, at that relevant point of time. Being seniors to the applicant, they were preferred for promotion. Further necessity for us to examine the issue in detail, is obviated on account of the fact that the applicant, either may have got the promotion to the post of Tourist Officer or retired from service.

8. The T.A. is accordingly closed. There shall be no order as to costs.



(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 27, 2020

lg/sunil/ankit/shakhi