

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/1496/2021

This the 30th day of September 2021

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



1. Mohd Hafiz, aged 56 years, S/o Late Haji Ghulam Qadir, R/o Darhal, Rajouri-185135, I/C Section Officer, District Hospital Doda.
2. Gurjeet Singh, aged 54 years, S/o Sh. Harbhajan Singh, R/o Udampur-182101, I/C Section officer, CMO Office Reasi.
3. Basant Ram Sharma; aged 56 years, S/o Sh Ram Lal Sharma, R/o 148 Gorakh Nagar, Jammu-180006, I/C Section Officer, CMO Office Ramban.
4. Basanti Kumar; aged 56 years, W/o Sh. Vijay Sharma, R/o RD-50, Block B, Roop Nagar Enclave, Jammu-180013 I/c Section officer, CMM Office Samba.
5. Rattan Lal; aged 59 years, S/o Late Sh. Badri Nath, R/o Dabrah, Tehsil and District Udampur-182108, I/c Section Officer, District Hospital Reasi.
6. Rajinder Kour, aged 61 years, W/o S. Rajinder Singh, R/o W. No. 10, Poonch City, District Poonch-185101, I/c Section Officer (Retd) District Hospital Samba.
7. Peter; aged 56 years, S/o Sh. Inder, R/o Ward No. 17, Tehsil and District Udampur-182101, Head Assistant, CMO Office Jammu.
8. Urmila Ganju; aged 56 years, W/o Dr. Sanjay Bhatt, R/o B-11, Lane No. 02, Extension Anand Nagar Bohri, Jammu-180002 I/c Head Assistant DHS Office, Jammu.
9. Gopal Singh Jamwal, S/o late Sh. Prem Jamwal, R/o Near Dak Bungalow Udampur-182101, Sr. Assistant, Dy. CMO Office, Udampur.
10. Darmesh Kumar; aged 54 years, S/o Sh. Behari Lal, R/o Talab Tillo, Jammu-180002, Sr. Assistant, PHC Kanachak, Block Marh, District Jammu.
11. Abdul Saboor Malik; aged 48 years, S/o Sh. Abdul Jalil Malik, R/o Dramman, Tehsil Kotranka, District Rajouri-185233 Sr. Assistant, PHC Tralla, Block Kandi, District Rajouri.



12. Aejaz Ahmed; aged 52 years, S/o Mohd Khalil, R/o Nagri Doda-182202, Sr. Assistant, District Hospital Doda.
13. Amjad Hussain; aged 40 years, S/o Ghulam Nabi, R/o Nagri Doda-182202, Sr. Assistant District Hospital Doda.
14. Sucheta Sharma, aged 36 years, W/o Sh. Amit Kumar Bhardwaj, R/o Lower Mastgarh, Tehsil and District Jammu-180001, Sr. Assistant, Medical Mobile Unit, Jammu.

.....Applicants

(Advocate:- Mr. Rahil Raja)

Versus

1. Union Territory of Jammu and Kashmir through Additional Chief Secretary, Health and Medical Education Department, J&K Government, Civil Secretariat, Jammu/Srinagar-180001/190001.
2. Director Health Services, Jammu-180001.

.....Respondents

(Advocate: Mr. Rajesh Thappa, learned D.A.G.)

ORDER
ORAL

Case of the applicants is that after convening of the DPC on 04.06.2021, the case of the applicants has not been cleared for promotion to the next higher post as detailed in the O.A. Therefore, the applicants seek the following reliefs:-

- (i) Direct the respondents to issue formal orders of regularization/confirmation of the applicants Nos. 1 to 6.
- (ii) Issue orders of promotions of applicant no. 7.
- (iii) Issue order of regularization of service of applicant no. 8
- (iv) issue orders of promotion of Respondent No. 9



2. The applicant nos. 1, 2, 3, 4, 5 who are substantively holding the post of Head Assistant, are presently working as Section Officers in their own pay & grade (with admissible charge allowance), Applicant No. 6 who was also placed as In-charge Section Officer has retired from service w.e.f., 20.06.2020, Applicant No. 7 is also substantively holding the post of Head Assistant, having been promoted vide order dated 30.05.2018 issued by Respondent No. 2, Applicant Nos. 8 to 14 are holding substantive posts of Senior Assistants, however, Applicant no. 8 has been placed as Head Assistant in his own pay and grade (with admissible Charge Allowance) vide order dated 24.09.2016.

3. The applicants contend that they acquired eligibility for the promotion and though the DPC met on 04.06.2019, no steps were taken for selection or promotion. It is stated that in as many as 10 posts of Section Officer are available to be filled by regularization/promotion of those substantively holding the posts of Head Assistants and likewise, in as many as 19 posts of Head Assistant are available to be filled up by regularization/promotion of those substantively holding the posts of Senior Assistants. This O.A. is filed with a prayer to direct the respondents to promote the applicants to the next higher grade.

4. Heard Mr. Rahil Raja, learned counsel for the applicants and Mr. Rajesh Thappa, Deputy Advocate General for the respondents, at the stage of admission, through video conferencing.



5. It is true that Divisional Departmental Promotion Committee meeting was held on 04.06.2021 wherein the records pertaining to the promotion to three categories of posts viz. Head Assistant to Section officers, Senior Assistant to Head Assistant to Section Officers, Senior Assistant to Head Assistant and Junior Pharmacist to Senior Pharmacist were scrutinized. However, in the context of promotion, several factors, such as, the existence of vacancies, the eligibility of the candidates etc. are to be taken into account. At the same time once the DPC made its recommendations, the respondents cannot keep the issue pending indefinitely. The respondents can be directed to consider the case of the applicants and to take necessary action.

6. Therefore, the O.A. is disposed of directing the respondents to consider the case of the applicants for promotion to the next higher grade/post depending upon the recommendation of the DPC within a period of three months from the date of receipt of a copy of this order. It is made clear that in case the respondents do not extend the benefit of promotion to the applicants, the reason shall be communicated to them within that period. It shall be open to the applicants to pursue the remedies depending upon the communication, which the respondents may give.

7. There shall be no order as to costs.

(RAKESH SAGAR JAIN)
MEMBER (J)

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