

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.8021/2020
(S.W.P. No.609/2008)

Thursday, this the 13thday of May, 2021

(Through Video Conferencing)

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

Mahesh Chander Vaid,
Aged 61 years,
S/o Late Pt. Asa Nand Vaid,
R/o 194/15, Patel Nagar,
Talab Tillo,
Jammu.

..Applicant

(*Nemo* for applicant)

VERSUS

1. State of Jammu and Kashmir,
Through Principal Secretary to
Government General Administration Department,
Civil Secretariat, Srinagar.
2. Commissioner, Sales Tax,
J&K Govt. Now Designated,
as Commissioner,
Commercial Taxes, J&K Govt. Srinagar.
3. Deputy Sales Tax Commissioner,
Now Designated, as Additional Commissioner,
Commercial Taxes (ADM) Jammu.
4. Shri Mohan Lal Sharma (Retd.),
Deputy Commissioner Commercial Taxes
(Inspection and Vigilance) Jammu
R/o 2/115, Indira Vihar, Old Janipur,
Jammu.
5. Sh. Madan Lal Gupta (Retd)
Principal Accountancy College, Talab,
Tillo Jammu,

R/o 1/4 Pamposh Colony,
Janipur, Jammu.



6. Sh. Subhash Chander Sharma (Retd) SDM
Dodu Basant garh, Ram Nagar
R/o Narwal Chowk, Near Temple, Jammu.

7. Sh. Masood Ahmad Bastal (Retd),
C/o Commissioner Commercial Taxes,
J&K Govt. Srinagar.

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

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant retired from the Sales Department on 31.10.2004 on attaining the age of superannuation. However, he went on making representations for his appointment to the Kashmir Administrative Service (KAS). He stated that though he was otherwise eligible to be inducted into KAS, the benefit was not extended to him. He made reference to the seniority list of Members of Excise and Sales Tax (Gazetted) Service dated 06.10.2003 and other proceedings.

2. The respondents filed a detailed counter affidavit. It is stated that though the applicant became eligible in the year 2003 for being considered, his name did not figure in the panel of 17 officers and since, the applicant retired from service by the time the panel was prepared and he could not be considered.



3. 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.8021/2020.
4. There is no representation on behalf of the applicant. We perused the record and heard Mr. Sudesh Mangotra, Deputy Advocate General.
5. It is no doubt true that the applicant became eligible to be considered for KAS just before his retirement. However, by the time such consideration took place, he was not in service. The law does not permit a retired employee to be considered for promotion or induction into KAS.
6. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 13, 2021
/sunil/rk/sd/