



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 9181/2020
(S.W.P. No. 844/2008)

Monday, this the 31st day of May, 2021

(Through Video Conferencing)

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

Dwarka Nath Abrol
S/o late Sh. Badri Nath Abrol
Age 62 years, R/o 97, Near Electric Sub Station
New Plot, Jammu.

... Applicant

(*Nemo* for applicant)

Versus

1. State of Jammu & Kashmir through
Commissioner/Secretary to Govt.
Finance Department, J&K Government, Civil Secretariat
Srinagar.
2. Director Budget (Incharge Director, Accounts and
Treasury (Gazetted)), J&K govt.
Civil Secretariat, Srinagar.

... Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

**O R D E R (O R A L)**

Mr. Justice L. Narasimha Reddy:

The applicant was appointed in the accounts cadre of the Jammu & Kashmir Government in the year 1972. He was promoted to the post of Assistant Accounts Officer (AAO) in the year 1976 and to the post of Accounts Officer (AO), in the year 1997. He was also promoted as Chief Accounts Officer (CAO) on in-charge basis on 08.09.2003. Shortly thereafter, he retired from service. The applicant contends that there was a clear vacancy for the post of CAO in November, 2003 itself, and he was entitled to be promoted to that post, on regular basis. He filed SWP No. 844/2008 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to regularly promote him to the post of CAO from November, 2003 onwards and to extend him the consequential benefits.

2. 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. 9181/2020.

3. Today, there is no representation for the applicant. Since the case was pending for the past 13 years, we have perused the



Item No. 6

record and heard Mr. Sudesh Magotra, learned Deputy Advocate General.

4. It is not in dispute that the promotion to the post of CAO is by way of selection and it is only when the Departmental Promotion Committee (DPC) is constituted for that purpose, that the applicant was entitled to be considered. The mere acquisition of eligibility for promotion or working on in-charge basis does not confer any right upon an employee, to be promoted on regular basis to that post. The applicant retired from service before the regular promotion to the post could be made. No relief can be granted to the applicant at this length of time.

5. The T.A. is accordingly dismissed. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 31, 2021
/sunil/jyoti/ns/sd/