

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 62/15/2020



This the 26th day of July 2021

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

Sham Lal, aged 41 years, S/o Sh. Amarnath, R/o Dharam, Tehsil Gool, District Ramban.

.....Applicant

(Advocate:- Mr. Sandeep Singh)

Versus

1. Union Territory of Jammu and Kashmir through Commissioner/Secretary, Home Department, Civil Secretariat, Jammu.
2. Director General of Police, Jammu and Kashmir Police, Police Headquarter, Gulshan Ground, Jammu.
3. Inspector General of Police, Jammu Zone, Jammu.
4. Sub-Divisional Police Officer, Gool, District Ramban.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

**ORDER
[O R A L]**

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

Learned counsel for the applicant submits that the applicant was engaged as a Special Police Officer on 25.03.2003 and allotted Belt No. 661/SPO. The applicant was posted in militant infested areas and has participated in three operations till date which led to the killing of 02 militants from 2004 to 2011 and also two militants surrendered. The Respondent No. 1 evolved a policy and conveyed instructions to Respondent No. 2 vide letter no. Home/PB-III/62/G/2008 dated 09.06.2008 read with letter no. Home/PB-III/62/G/2008 dated 25.09.2009 wherein it was directed to absorb the SPO's permanently in the force who have participated in the counter insurgency operations. A list was



prepared by Respondent No. 5 of all the SPOs who have participated in the counter insurgency operations and are eligible for absorption as Constables and said list was submitted to Respondent No.4 on 17.02.2012 along with documents for consideration in the light of the aforesaid policy for onward submission to the higher authorities. It has been further submitted that many persons in the aforementioned list have permanently been absorbed in the police force, however, the name of the applicant has not been considered even though he participated in three anti-militancy operations and his case has been recommended by Respondent No. 4 and 5 for absorption as Constable/Follower. The applicant also represented several times before the respondents, however the respondents have not considered his representation till date. With this background, the applicant seeks a direction to the respondents to consider his case for appointment as Follower/Constable in the Police Force.

2. We have heard Mr. Sandeep Singh, learned counsel for the applicant and Mr. Amit Gupta, learned Additional Advocate General and perused the records.

3. It is a matter of record, that the applicant participated in several operations/encounters. The applicant represented before the respondents for considering his case for appointment as Follower/Constable in the Police Force, however, no action has been taken by the respondents on the same till date. Looking to the facts and circumstances of the case, we are of the view that the T.A. can be disposed of directing the respondents to take a decision on the representation preferred by the applicant.

4. We, therefore, dispose of the TA directing the competent authority amongst the respondents to pass orders on the representation submitted by the applicant after verifying his record, within a period of four weeks from today. There shall be no order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Arun...