

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A.61/886/2020 (SWP.No.1908/2020)

This the 15th day of December, 2020

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. MOHD. JAMSHED, MEMBER (A)**



1. Farooq Iqbal son of Lata Mohd Assadullah R/o Upper Paloura, Jammu age 45 years.
2. Abdul Qayoom son of Mohd Akbar Khan age 40 years R/o Ward No.1, Rajouri.
3. Som Raj Sharma age 45 years son of Sh Sita Ram, R/o Dhangri,–Rajouri.
4. Mohd Younus age 42 years son of Mirza Najib Ulla R/o Bhattian, District- Rajouri.
5. Mohd Iqbal, Son of Wazir Mohd R/o Drafi, Rajouri age 41 years
6. Sunnet Singh, age 39 years son of Shri Baldev Singh R/o Nowshera, District- Rajouri.
7. Masood Ahmed age 63 years son of abdul hamid R/o Nagar, Bhaderwah.
8. Ditt Kumar age 45 years son of Shri Satpal R/o Kathua O/o Tehsildar, Kathua
9. Ajay Raina age 40 years son of Sh. Brij nath R/o Bhaderwah at present in the office of Tehsildar Jammu.
10. Duni Chand age 40 years son of Raj Dev R/o Bhaderwah at present in the office of Tehsildar, Jammu.
11. Mohd Afzal Khan age 51 years son of Sh Munshi Khan R/o Dhanidhar, Rajouri.

.....Applicants

(Advocate:- Ms. Sonika Parihar for Mr. Sunil Sethi)

Versus

1. State of Jammu and Kashmir, through Secretary/Commissioner, Revenue Deptt. K&K Govt. Civil Sectt. Srinagar..

2. Financial Commissioner, J&K Govt. Srinagar.
3. Divisional Commissioner, Jammu.
4. Dharam Singh age 34 years S/o Sh. Teja Singh R/o Sector no.1, Durga Nagar, Jammu (court back side).



.....Respondents
(Advocate:- Mr. Sudesh Magotra, DAG)

ORDER
[O R A L]

Justice L. Narasimha Reddy, Chairman: -

The applicants were working as Patwaris in the Revenue Department of Jammu & Kashmir. The promotion from that post is to the post of Girdawar. There appears to be some dichotomy as to consideration for promotion between Graduate Patwaris on one hand and Non-Graduate Patwaris on the other hand.

2. The applicants filed SWP.No.1908/2002 with a prayer to direct the respondents to maintain the ratio of 75% and 25% i.e., 3:1 for promotion to the post of Girdawar between Graduate Patwaris on the one hand and Non-Graduate Patwaris on the other. An interim order was passed on 29.07.2002, directing that as and when departmental promotion committee for promotion to the post of Girdawar meets, the observations made by the Hon'ble High Court in SWP.No.899/2002, dated 05.04.2002 shall be taken note of.

3. The record discloses that the respondents have not filed any counter affidavit as well.

4. The Writ Petition has since been transferred to this Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as TA.No.61/886/2020.



5. We heard Ms. Sonika Parihar for Mr. Sunil Sethi, learned counsel for the Applicants and Mr. Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

6. The only issue raised in the TA is as to the maintenance of the ratio between the Graduate Patwaris on the one hand and the Non-Graduate Patwaris on the other hand, in the contest of promotion to the post of Girdawar.

7. Reliance is not placed on any particular statutory rule. However, reference was made to an order passed by the Hon'ble High Court of Jammu & Kashmir in SWP.No.899/2002, dated 05.04.2002. Though the extant rule provided for promotion of 10% from the Graduate Patwaris and remaining 90% equally between those who are Matriculates and Non-Matriculates, the applicants insisted that the quota for the Graduates must be increased to 75% and for the remaining at 25%.

8. It is not known as to whether any rules are framed or amended over the past two decades. We also not appreciate the efforts that have been taken on the basis of the impugned order. We find it difficult to undertake any concrete adjudication at this length of time unless the facts which are placed disturb. If the grievance subsists or

any change later on takes place in the meanwhile, the applicants can pursue their remedies by instituting appropriate proceedings.



9. We, therefore, dispose of the TA leaving it open to the applicant to pursue the remedies depending upon the existing legal position as to the promotion to the post of Girdawar. There shall be no order as to costs.

(MOHD JAMSHED)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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