

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**



Hearing through video conferencing

T.A.No./61/934/2020 (SWP.No.1084/2001), T.A.No.61/950/2020
(SWP.No.419/2008) & MA.No.61/1153/2020, TA.No./61/953/2020
(SWP.No.1435/2007) AND T.A.No./61/961/2020 (SWP.No.185/2007)

Dated: this the 15th day of December, 2020

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

Bishan Dass S/o Sh. Bajan age 48 years, at present working as Accountant cum Store Supervisor, Crewal Embroidery Training Centre, Thana Mandi, Distt. Rajouri.

.....Applicant in all TAs
(Advocate: Mr. Aditya Gupta)

Versus

1. State of Jammu and Kashmir, through Commissioner/Secretary to Govt. Industries & Commerce Deptt; J&K Srinagar.
2. Director, Handicrafts, J&K Govt, Srinagar.

.....Respondents

(Advocate:- Mr. Sudesh Magotra, Id. Deputy Advocate General in all TAs)

O R D E R
[O R A L]

Justice L. Narasimha Reddy, Chairman:

This batch of TA.Nos.934, 950, 953 and 961/2020, is referable to the same applicant viz., Shri Bishan Dass. Hence, they are disposed of by a common order.

2. The applicant was recruited as Accountant-cum-Store Supervisor in the Department of Handicrafts, J&K Govt, Srinagar, in 1978. He belongs to Scheduled Caste (SC) category. The next promotion is to the post of Handicrafts Training Officer (HTO). Through SRO No.126 of 1994, the Government provided for reservation in favour of SC candidates. Rule 17 provided for the method of Reservation and Rule 18 for preparation of 100-point roster in this behalf.

3. The applicant filed SWP.No.1084/2001, claiming the relief of promotion to the post of HTO. He pleaded that though he was the immediate available SC candidate and there were points in the roster

for promotion, his case was not considered and thereby he remained without promotion.

4. The respondents filed a detailed counter affidavit. According to them, the roster point, which was available in and around the year 2001, was filled by promoting Shri Mohan Lal Loach and that the applicant who figured below him, had to wait for his turn.

5. The applicant has also filed a rejoinder stating that the promotion of Shri Mohan Lal Loach was in the general category and not under reservation.

6. In the context to subsequent promotion to the post of AD and other service benefits, the applicant filed three other Writ Petitions viz., SWP.No.419/2008, SWP.No.1435/2007, and SWP.No.185/2007.

7. The Writ Petitions have since been transferred to this Tribunal in view of reorganization of the State of Jammu and Kashmir, and renumbered as T.A.Nos.934, 950, 953 and 961/2020.

8. Today, we heard Shri Aditya Gupta, learned counsel for the Applicants and Shri Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

9. The applicant joined the service of the respondents way back in 1978. The Government provided reservation in favour of SC candidates for promotion to the post of HTO. To ensure proper implementation, a roster is also required to be maintained. The applicant is under impression that the respondents did not operate roster for promotion and thereby he is denied the benefit.

10. In the counter affidavit, the respondents have categorically stated that the available vacancy for promotion to HTO, reserved in favour of SC, was filled by promoting Shri Mohan Lal Loach. The applicant does not dispute that Shri Mohan Lal Loach was far senior to him. Though he made efforts to plead that the promotion of Shri Mohan Lal Loach was other than as reserved candidate, he is not able to substantiate that. In fact, no plea in that behalf is raised at all.

11. The respondents did not dispute the entitlement of the applicant to be considered for promotion against a reserved vacancy. The denial at that point of time was on account of non-availability of vacancy. During the pendency of the Writ Petition, the applicant was promoted in the year 2002, against a reserved vacancy. The applicant cannot be said to have been subjected to any injustice. We, therefore, do not find any merit in the TA.No.934/2020.

12. The reliefs claimed in the other TAs viz., TA.Nos.950, 953 and 961/2020, are consequential to or dependent upon the applicant being granted the relief of promotion to the post of HTO, earlier to the year 2002. Since that is not found feasible or tenable, all the consequential reliefs claimed by the applicant, become clearly untenable. At any rate, the applicant has since retired from service in the year 2011. The question of granting any notional benefit of promotion to him would arise if only it is shown that any Accountant-cum-Store Supervisor, who was junior to him, was promoted to the post of HTO earlier to him when he was in service. To a specific question in this behalf, the answer is 'No'.

13. Therefore, we do not find any merit in the TAs and the same are accordingly dismissed. The miscellaneous applications stand disposed of. There shall be no order as to costs.

**(MOHD JAMSHED)
MEMBER (A)**

**(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN**

/as/