

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.02/2020
(SWP No.2584/2015)
With
T.A. No.03/2020
(SWP No.394/2014)

T.A. No.04/2020
(S.W.P. No.283/2019)

Order reserved on 11th February, 2021

Order pronounced on 31st March, 2021

(Through Video Conferencing)

**Hon'ble Sri Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Bidisha Banerjee, Member (J)
Hon'ble Sri A K Bishnoi, Member (A)**

Transfer Application No. 061/00002/2020

1. Kamal Sangra; age: 44 years
S/o Sh. H. L. Sangra
R/o 25-A, Shastri Nagar, Jammu
2. Bhattu Choudhary; age: 47 years
S/o Sh. Ghulam Mohd.
R/o GurahBrahamana Ban Talab, Jammu
3. Ms. Basanti Bhat; age: 46 years
D/o Sh. Radha Krishan
R/o Mohalla Wazira, Bohri, Jammu
4. Rameshwar Dutt; age: 45 years
S/o Sh. Lal Chand
R/o Village Chaprial Tehsil Akhnoor District Jammu
5. Davinder Singh; age: 45 years
S/o Late S. Nanak Singh
R/o OmaraMorph, Udhampur
6. Daljeet Singh; age: 42 years
S/o Sh. Gurmukh Singh
R/o Ward No.3 Kathua

7. Mrs. Champa Sharma; age: 45 years
W/o Sh. Ranjeet Sharma
R/o H.No:516/5, Lower Roop Nagar Jammu
8. Shabinder Singh; age: 43 years
S/o S. Laghbir Singh
R/o SaheedGarh Qila Darhal Tehsil Nowshera District Rajouri
9. Bishnesh Kumar; age: 44 years
S/o Sh. Behari Lal
R/o H.No:183 Sector-1, Sanjay Nagar Jammu
10. Varinder Gupta; age: 43 years
S/o Sh. Ashok Gupta
R/o 146-A Street No.5, Talab Tillo Jammu
11. Dhiraj Nugyal; age: 45 years
S/o Sh. Ram Parkash
R/o Village Jasrota, Kathua
12. Pardip Kumar Sharma; age: 45 years
S/o Sh. Lal Man
R/o Ward No:15, Kathua
13. Harmohinder Singh; age: 47 years
S/o Sh. Ranjeet Singh
R/o VPO Nonial Tehsil Nowshera District Rajouri
14. Masoof Ahmed; age: 43 years
S/o Sh. Abdul Aziz
R/o VPO Badakana Tehsil Thanamandi District Rajouri
15. Mohd. Shoket; age: 46 years
S/o Sh. Abdul Aziz
R/o Village Narojal Tehsil Thanamandi District Rajouri
16. Mohd. Amin Khatana; age: 44 years
S/o Sh. Wazir Mohd.
R/o Bachianwali Tehsil Haveli District Poonch

Applicants

Versus

1. State of Jammu and Kashmir
through Commissioner/Secretary to Government
Home Department
Civil Secretariat Srinagar
2. Director General of Police
Jammu and Kashmir State
Police Headquarters, Srinagar (Kashmir)

3. Sajad Ahmad
Inspector, NGO No:5849
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
4. Daljit Singh
Inspector, NGO No:5851
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
5. Kuldeep Handoo
Inspector, NGO No:5852
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
6. AkshayKhajouria
Inspector, NGO No:5853
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
7. Sajad Hussain
Inspector, NGO No:5854
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
8. Anil Sagar
Inspector, NGO No:5898
S/o Sh. Vidya Sagar
R/o Ward No4, Hiranagar District Kathua
9. Farooq Ahmad
Inspector, NGO No:5897
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
10. Mujahid Nazir
Inspector, NGO No:5814
S/o Sh. Mohd. Abdullah Dar

R/o Pandit Mohalla, Haftchinar, Srinagar (Kashmir)

11. Abdul Hamid Dar
Inspector, NGO No:5823
S/o Sh. Abdul Aziz Dar
R/o Peth Makhama Block Narbal, Beerwa Budgam
12. Sunil Kumar
Inspector, NGO No:5911
S/o Sh. Jawahar Lal Pandita
R/o TangwariPayeen, Bala
H.No:51 Ward No:7, Udhampur
13. Jatinder Singh
Inspector, NGO No:5857
S/o S. Roop Singh
R/o H.No:122 Near Ashram Digiana, Jammu
14. Jagpal Sharma
Inspector, NGO No:5868
S/o Sh. Mulkh Raj Sharma
R/o Village Dasgal Tehsil Akhnoor, Jammu
15. Ashok Kumar
Inspector, NGO No:5905
S/o Sh. Vishwa Nath
R/o Rown Domail, Udhampur
16. Sushil Kumar
Inspector, NGO No:5875
S/o Sh. Krishen Lal
R/o Pochhal Tehsil and District Kishtwar
17. Mehmood Qadir
Inspector, NGO No:5812
S/o Sh. Abdul Qadir
R/o Jawalapora, Budgam (Kashmir)
18. Sunil Singh Jasrotia
Inspector, NGO No:5881
S/o Lt. Col. (Etd) Joginder Singh
R/o H.No:62/1, Sanjay Nagar, Gangyal, Jammu
19. Jigmate Dorjey
Inspector, NGO No:5817
S/o Sh. RinchenPaljor
R/o KhalsiLeh Ladakh
20. Sartaj Ahmad Yaqoobi

Inspector, NGO No:5804
S/o Mohd. YoqoobGanai
R/o Wanpoh, Anantnag (Kashmir)

21. Sarbjeet Singh
Inspector, NGO No:5856
S/o S. Sardar Singh
R/O H.No:68 Sector No.12, Nanak Nagar, Jammu
22. Taran Singh
Inspector, NGO No:5810
S/o S. Damoder Singh
R/o Singhpora Kalan Tehsil and District Bala
23. Satvir Singh
Inspector, NGO No:5885
S/o Late S. Ranjit Singh
R/o Nonial Tehsil Nowshera District Rajouri
24. Vishal Sharma
Inspector, NGO No:5876
S/o Sh. Suresh Sharma
R/o 213, Shopping Centre, Bakshi Nagar, Jammu
25. Manjeet Singh
Inspector, NGO No:5861
S/o S. Manjit Singh
R/o H.No:621, Ashok Nagar, Satwari, Jammu
26. Pawan Sharma
Inspector, NGO No:5896
S/o Sh. Durga Dass Sharma
R/o H.No.64 Ward No.3, Court Road, Udhampur
27. Sharat Chander Singh
Inspector, NGO No:5877
S/o Sh. Dharam Singh
R/o Ward No.4, Mandi Sher Singh, Kathua
28. Parladh Kumar
Inspector, NGO No:5889
S/o Sh. Sat Lal
R/o Pranzal Tehsil and District Kishtwar
29. Khurshid Ahmad Wani
Inspector, NGO No:5808
S/o Late Ghulam Rasool Wani
R/o Dara Harwan Tehsil and District Srinagar (Kashmir)
30. Krishan Rattan

Inspector, NGO No:5909
S/o Sh. Daulat Ram
R/o Bhakhana Tehsil and District Doda

31. Fareed Ahmad
Inspector, NGO No:5900
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
32. Surinder Paul Singh
Inspector, NGO No:5888
S/o S. Ajit Singh
R/o H.No:16 Sector-7, Nanak Nagar, Jammu
33. Shankar Bahadur
Inspector, NGO No:5912
S/o Sh. Mohan Parkash
R/o Near Janta Art Press, Ward No.6, Udhampur
34. Mohammad Maqbool Wani
Inspector, NGO No:5826
S/o Sh. Habibullah Wani
R/o ZebgariporaMagam Tehsil Handwara, Kupwara
35. Abdul Rehman
Inspector, NGO No:5892
S/o Sh. Lal Din
R/o Dharana Tehsil Mendher, Poonch
36. Anita Katal
Inspector, NGO No:5855
S/o Hony. Capt. Amir Singh
R/o Smailpur, Jogi Mohalla, Samba District Samba
37. Manzoor Ahmad Malik
Inspector, NGO No:5828
S/o Mohd. Yousuf Malik
R/o Tarathpora Tehsil Handwara, Kupwara
38. Ajay Samyal
Inspector, NGO No:5859
S/o Sh. Sift Singh
R/o W.No:9 Near Rest House Samba District Samba
39. Vinay Kumar Parihar
Inspector, NGO No:5910
S/o Sh. Nishan Lal Parihar
R/o Bhella Tehsil Thathri District Doda

40. Anil Kumar
Inspector, NGO No:5879
S/o Sh. Pyara Lal
R/o 164, Krishna Nagar, Jammu
41. Hamidullah Naik
Inspector, NGO No:5906
S/o Ghulam Mohd. Naik
R/o Kuluhand Tehsil and District Doda
42. Laxmi Kant
Inspector, NGO No:5864
S/o Sh. Janak Raj Dogra
R/o Deoli Tehsil Bishnah District Jammu
43. Kapil Tikoo
Inspector, NGO No:5903
S/o Sh. Hira Lal Tikoo
R/o Lane No.2 Vijay Nagar, GoleGujral Road, Jammu
44. Satish Raina
Inspector, NGO No:5882
S/o Sh. Gopi Krishan Raina
R/o H.No:369, Chib General Sore, Digiana Ashram, Jammu
45. Mushtaq Ahmad
Inspector, NGO No:5893
S/o Sh. Mohammad Alam
R/o Khoriwali Tehsil Thana Mandi, Rajouri
46. Mohd. Iqbal
Inspector, NGO No:5819
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
47. Ajay Kumar
Inspector, NGO No:5858
S/o Sh. Dhani Ram Sharma
R/o V&PO Muthi, Jammu
48. Vijay Singh
Inspector, NGO No.5867
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
49. Neeraj Sharma
Inspector, NGO No.5863

Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)

50. Vinod Kumar
Inspector, NGO No.5865
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
51. Manjeet Singh
Inspector, NGO No.5869
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
52. Gulzar Ahmed
Inspector, NGO No.5836
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
53. Rakesh Jamwal
Inspector, NGO No.5878
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
54. Kirpal Singh
Inspector, NGO No.5887
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
55. Satyakam Sharma
Inspector, NGO No.5866
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
56. Om Parkash
Inspector, NGO No.5902
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
57. Mushtaq Ahmed
Inspector, NGO No.5845
Office of Additional Director General of Police
J&K Armed Police

Police Headquarters, Srinagar (Kashmir)

58. Reyas Ahmed
Inspector, NGO No.5830
Office of Additional Director General of Police
J&K Armed Police, Police Headquarters, Srinagar (Kashmir)
59. Ghulam Hassan
Inspector, NGO No.5807
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
60. Mohd. Rafi
Inspector, NGO No.5840
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
61. Malik Zada Indrees
Inspector, NGO No.5833
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
62. Dharminder Kumar(SC)
Inspector, NGO No.5860
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
63. Rabinder Singh
(RBA) Inspector, NGO No.5884
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
64. Abdul Nafi (RBA)
Inspector, NGO No.5847
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
65. Parvaiz Ahmed (ST)
Inspector, NGO No.5805
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)

66. Mahesh Kumar (SC)
Inspector, NGO No.5875
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
67. Charanjeet Singh(ALC)
Inspector, NGO No.
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
68. Mohd. Yousaf (RBA)
Inspector, NGO No.5832
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
69. Bhagwandass(SC)
Inspector, NGO No.5886
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
70. Sheikh Firdous
Inspector, NGO No.5824
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
71. Pankaj Kumar
Inspector, NGO No.5894
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
72. Sukhvir Singh
Inspector, NGO No.5880
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)
73. Vishal Sharma
Inspector, NGO No.5876
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)

74. Naveed Ahmed Shah
Inspector, NGO No.5862
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)

75. Vishal Shore
Inspector, NGO No.5904
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)

76. Mohd. Yousaf
Inspector, NGO No.5832
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)

77. Ranbir Singh
Inspector, NGO No.5806
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Srinagar (Kashmir)

Respondents

Transfer Application No. 061/00003/2020

1. Arvind Samyal Age 45 years
S/o Sh. Anirudhan Singh Samyal
R/o Mandi Kehli District Samba.
2. Jatinder Samyal, Age 44 years
S/o Sh. Surinder Singh
R/o Ward no. 3, Krishan Colony, Near PHE Store
Kathua
3. Ravinder Parihar Age 44 years
S/o Late Sh. Hari Parihar
R/o Roop Nagar Enclave, Jammu
4. Vinod Kumar Age 45 years
S/o Sh. Sandokh Ram
R/o Maitra District Ramban At Present Inspector

5. Deepak Jasrotia Age 44 years
S/o Sh. Bishamber Singh
R/o Village Chandwan Tehsil Hiranagar District Kathua
6. Raj Kumar Koul Age 47 years
S/o Sh. Manmohan koul
R/o H.No. 209, Top Sherkhania, Jammu
7. Deepanker Singh Age 47 years
S/o Sh. G.L.Manhas
R/o H.no. 340, Exchange Road, Jammu
8. Ashwani Kumar Age 45 years
S/o Sh. Mansa Ram Sharma
R/o Ward no. 3 (New) Tehsil Hiranagar District Kathua
9. Sarbjit Singh Age 41 years
S/o Sh. Puran Singh
R/o Nagri Parole District Kathua
10. Rajesh Jamwal Age 44 years
S/o Sh. Kuldeep Singh
R/o Jawahar Nagar Talab Tillo, Jammu
11. Khud Mukhtar Dev Age years
S/o Late Sh. Durga Dutt Kotwal
R/o 1/226 Subash Nagar, Jammu
12. Mahesh Sharma Age 45 years
S/o Sh. D.R.Sharma
R/o H.no. 27, Malhotra Street, Jammu
13. Khushwant Singh Age 46 years
S/o Sh. Sardar Ajab Singh
R/o Miran Sahib, Jammu

14. Satvinder Singh Age 46 years
S/o Sh. Kehar Singh
R/o 177/C, Sainik Colony, Jammu
15. Shakil Age 45 years
S/o Sh. Abdul Aziz
R/o Near Forest Nursery Sidhra, Jammu
16. Kewal Kishore Age 46 years
S/o Sh. Chuni Lal Gupta
R/o Ward no. 109, Ramnagar Chowk Udhampur
17. Ravinder Singh Age 48 years
S/o Sh. Raj Singh
R/o Village thanoon P.O. Barwal Tehsil and District Kathua
18. Pardeep Gupta Age 46 years
S/o Sh. Satyavrat Gupta
R/o H.no. 24/3, Adarsh Colony Udhampur
19. Sandeep Mahajan Age 45 years
S/o Sh. Bansi Lal Gupta
R/o H.no. 327, W.no., 2 ADarsh colony, Udhampur
20. Sanjeev Salathia Age 44 years
S/o Sh. Krishan Onkar Singh Salathia
R/o 5-A, Extension Gandhi Nagar, Jammu
21. Sanjeev Sharma Age 49 years
S/o Sh. Shadi Lal Sharma
R/o Ward no. 3, Shivpuri Kathua
22. Sunil Gupta Age 48 years
S/o Late Sh. Dewan Chand Gupta
R/o H.No. 533 Mohalla Jatkatian, Jammu
23. Tahir Yousaf Khan Age 47 years
S/o Mohd. Yousaf Khan
R/o VillgaeKanuiyaan Tehsil Haveli District Poonch
24. Om Parkash Chib Age 46 years

S/o Late Sh. Suram Singh
R/o TohanaSatrain, R.S.Pura District Jammu

25. Rajesh Sharma Age 44 years
S/o Sh. Ghani Shyam Sharma
R/o Ward no. 7, Mohalla Naban Rajouri
26. Mussadiq Abas Peerzada, Age 45 years
S/o Sh. Wali Ullah Peerzada
R/o Bihama Tehsil Uri District Baramulla
27. Shafqat Amin Atar Age 47 years
S/o Dr.Mohd. Amin Atar
R/o S.K.Colony, Anantnag (Kashmir).
28. Mohd. Amin Age 42 years
S/o Ghulam Rasool
R/o Bij, Anantnaga.
29. Manzoor Ahmed Bhat Age 46 years
S/o Late Abdul Gaffar Bhat
R/o Katrasoo, Kulgam
30. Fiaz Ahmed Dar Age 47 years
S/o Sh. Ghulam Mohd. Dar
R/o Malangpora District Pulwama
31. Khursheed Ahmed Wani Age 49 years
S/o Haji KhazarMohd. Wani
R/o Panhalthan Anantnag
32. Mohd. Ashraf Bhat Age 45 years
S/o Sh. Ghulam Mohd. Bhat
R/o Malangpora District Pulwama
33. Murtza Ahmed Age 47 years
S/o Haji PirMohd. Yasin
R/o Peerniya Tehsil Boniyar Baramulla.

34. Sheikh Manzoor Qadir Age 49 years
S/o Shiekh Ghulam Nabi
R/o HajibaghBuchpora, Srinagar

Petitioners

Versus

1. State of Jammu and Kashmir
Through Commissioner /Secretary to Government
Home Department,
Civil Secretariat, Jammu
2. Director General of Police
Jammu and Kashmir State
Police Headquarters, Gulshan Ground, Gandhi Nagar,
Jammu
3. Sajad Ahmad
Inspector, NGO:5849
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters , Gulshan Ground, Gandhi Nagar, Jammu
4. Daljit Singh
Inspector, NGO No. 5851
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Gulshan Ground Gandhi Nagar, Jammu
5. Kuldeep Handoo
Inspector, NGO No. 5852
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Gulshan Ground Gandhi Nagar, Jammu
6. AkshayKhajouria
Inspector, NGO No. 5853
Office of Additional Director General of Police
J&K Armed Police

Police Headquarters, Gulshan Ground Gandhi Nagar, Jammu

7. Sajad Hussain
Inspector, NGO No. 5854
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Gulshan Ground Gandhi Nagar, Jammu
8. Anil Sagar
Inspector, NGO No. 5898
S/o Sh. Vidya Sagar
R/o Ward no. 4, Hirnagar, District Kathua
9. Farooq Ahmad
Inspector, NGO No. 5897
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Gulshan Ground Gandhi Nagar, Jammu
10. Mujahid Nazir
Inspector, NGO No. 5814
S/o Sh. Mohd. Abdullah Dar
R/o Pandi Mohalla, Haftchinar, Srinagar (Kashmir)
11. Abdul Hamid Dar
Inspector NGO No. 5823
S/o Sh. Abdul Aziz Dar
R/o Peth Makhama Block Narbal, Beerwa Budgam
12. Sunil Kumar
Inspector, NGO No. 5911
S/o Sh. Jawahar Lal Pandita
R/o TangwariPayeen, Bala
H.No. 51 Ward no. 7, Udhampur
13. Jatinder Singh
Inspector, NGO No. 5857
S/o S. Roop Singh

R/o H.no. 122 Near Ashram Digiana, Jammu

14. Jagpal Sharma
Inspector, NGO No. 5868
S/o Sh. Mulkh Raj Sharma
R/o Village Dasgal Tehsil Akhnoor, Jammu
15. Ashok Kumar
Inspector, NGO No. 5905
S/o Sh. Vishwa Nath
R/o RownDomail, Udhampur
16. Sushil Kumar
Inspector, NGO No. 5875
S/o Sh. Krishen Lal
R/o Pochhal Tehsil and District Kishtwar
17. Mehmood Qadir
Inspector, NGO No. 5812
S/o Sh. Abdul Qadir
R/o Jawalapora, Budgam (Kashmir)
18. Sunil Singh Jasrotia
Inspector, NGO No. 5881
S/o Lt. Col. (Rtd) Joginder Singh
R/o H.No. 62/1, Sanjay Nagar, Gangyala, Jammu
19. JigmateDorjey
Inspector, NGO No. 5817
S/o Sh. RinchenPaljor
R/o KhalsiLehLadakah
20. Sartaj Ahmad Yaqoobi
Inspector, NGO No. 5804
S/o Mohd. Yaqoob Ganai
R/o Wanpoh, Anantnaga (Kashmir)

21. Sarbjeet Singh
Inspector, NGO No. 5856
S/o S. Sardar Singh
R/o H.no. 68 Sector No. 12, Nanak Nagar, Jammu
22. Taran Singh
Inspector, NGO No. 5810
S/o S. Damoder Singh
R/o Singhpora Kalan Tehsil and District Bala
23. Satvir Singh
Inspector, NGO No. 5885
S/o Late S. Ranjit Singh
R/o Nonial Tehsil Nowshera District Rajouri
24. Vishal Sharma
Inspector, NGO no. 5876
S/o Sh. Suresh Sharma
R/o 213, Shopping Centre, Bakshi Nagar, Jammu
25. Manjeet Singh
Inspector, NGO no. 5861
S/o S. Manjit Singh
R/o H.No. 621, Ashok Nagar, Satwari, Jammu
26. Pawan Sharma
Inspector, NGO no. 5896
S/o Sh. Durga Dass Sharma
R/o H.no. 64, Ward no. 3, Court Road, Udhampur
27. Sharat Chander Singh
Inspector, NGO no. 5877
S/o Sh. Dharam Singh
R/o Ward no. 4, Mandi Sher Singh, Kathua
28. Parladh Kumar
Inspector, NGO no. 5889
S/o Sh. Sat Lal

R/o Pranzal Tehsil and District Kishtwar

29. Khurshid Ahmad Wani
Inspector, NGO no. 5808
S/p Late Ghulam Rasool Wani
R/o Dara Harwan Tehsil and District Srinagar (Kashmir)
30. Krishan Rattan
Inspector, NGO No. 5909
S/o Sh. Daulat Ram
R/o Bhakhana Tehsil and District Doda
31. Fareed Ahmad
Inspector, NGO No. 5900
Office of Additional Director General of Police
J&K Armed Police
Police Headquarters, Gulshan Ground, Gandhi Nagar, Jammu
32. Surinder Paul Singh
Inspector, NGO No.5888
S/o S. Ajit Singh
R/o H.No. 16, Sector-7, Nanak Nagar, Jammu
33. Shankar Bahadur
Inspector, NGO No.5912
S/o Sh. Mohan Parkash
R/o Near Janta Art Press, Ward no. 6, Udhampur
34. Mohammad Maqbool Wani
Inspector, NGO No. 5826
S/o Sh. Habibullah Wani
R/o ZebgariporaMagam Tehsil Handwara, Kupwara
35. Abdul Reham
Inspector, NGO No.5892
S/o Sh. Lal Din
R/o Dharana Tehsil Mendhar, Poonch

36. Anita Katal
Inspector, NGO No. 5855
S/o Hony. Capt. Amir Singh
R/o Smailpur, Jogi Mohalla, Samba District Samba

37. Manzoor Ahmad Malik
Inspector, NGO No.5828
S/o Mohd. Yousuf Malik
R/o Tarathpora Tehsil Handwara, Kupwara

38. Ajay Samyal
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S/o Sh. Sift Singh
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S/o Sh. Nishan Lal Parihar
R/o Bhella Tehsil Thathri District Doda

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S/o Sh. Pyara Lal
R/o 164, Krishna Nagar, Jammu

41. Hamidullah Naik
Inspector, NGO No.5906
S/o Ghulam Mohd. Naik
R/o Kuluhand Tehsil and District Doda

42. Laxmi Kant
Inspector, NGO No.5864
S/o Sh. Janak Raj Dogra
R/o Deoli Tehsil Bishnah District Jammu

43. Kapil Tikoo
Inspector, NGO No. 5903
S/o Sh. Hiran Lal Tikoo

R/o Lane no. 2, Vijay Ngar, GoleGujral road, Jammu

44. Satis Raina
 Inspector, NGO No.5882
 S/o Sh. Gopi Krishan Raina
 R/o H.no. 369, Chib General Sore, Digiana Ashram, Jammu

45. Mushtaq Ahmad
 Inspector, NGO No.5893
 S/o Sh. Mohammad Alam
 R/o Khoriwali Tehsil Thanamandi, Rajouri

46. Mohd. Iqbal
 Inspector, NGO No.5819
 Office of Additional Director General of Police
 J&K Armed Police
 Police Headquarters, Gulshan Ground, Gandhi Nagar, Jammu

47. Ajay Kumar
 Inspector NGO no. 5858
 S/o Sh. Dhani Ram Sharma
 R/o V&PO Muthi, Jammu

Respondents

Transfer Application No. 061/00004/2020

1. Rajesh Anand, Aged 53 years
 Son of Late Som Nath Anand,
 R/o H.No.161 Lane no.1,
 Suryavanshi Nagar,
 Lower Roop Nagar, Jammu
2. Sureen Jeet Singh Aged 52 yrs
 Son of Sh. Beyant Singh,
 R/o Mehjoor Nagar Srinagar
 At Present HNO 9 Sector 7
 Nanak Nagar, Jammu.
3. Ravinder Singh, Aged 52 years
 Son of Sh. Raj Singh,
 R/o H. No.. 38, Sector F,
 Sainik Colony, Jammu.

4. Sultan Mehmood Mirza, Aged 53yrs,
S/o Late Sh. Khadim Hussain Mirza,
R/o Village DhandKote, Ujhan,
Tehsil Darhal, District Rajouri.
5. Dinesh Sharma, Aged 52 yrs,
Son of Sh. Devender Kumar,
R/o Lamberi, Nowshera,
District Rajouri.
6. Mohd. Amin Khantana, Aged 52yrs,
Son of Sh. Wazir Mohd. ,
R/o Bachiawali, Tehsil Haveli,
District Poonch
7. Mohd. Shoket, Aged 51yrs
Son of Abdul Aziz
R/o Village Nerojal
Tehsil Thanamandi District Rajouri.
8. Kulbir Singh Bhau Aged 51 years
Son of Jagdev Singh Bhau,
R/o VPO Pallanwala Tehsil Akhnoor
District Jammu.
9. Kuldeep Raj, Aged 51 years
Son of Buti Ram,
R/o VPO GhouManahsan
Tehsil & District Rajouri.
10. Arjun Singh Chib, Aged 47 years
Son of Balwant Singh Chib,
R/o H.No.1702/4 Guru Nanak Nagar
Jammu.
11. Muneer Ahmed Khan Aged 49 years
Son of Mohd. Akram Khan,
R/o Krawa Banihal, District Ramban.
12. Gurmeet Singh, Aged 52 years
Son of Late Jagdish Singh,
R/o H.No.20/13 Guru Nanak Nagar
Jammu.
13. Mushtaq Ahmed Aged 53 years
Son of Mohd. Iqbal,
R/o Alimbagh, Tehsil Ukhral
District Ramban.
14. Vijay Singh Choudhary, Aged 51 yrs
Son of J.L. Choudhary,
R/o Village Nonial Tehsil Nowshera
District Rajouri.
15. Farooq AhmdKhateeb, Aged 53 yrs
Son of Niaz Ahmed Khateeb,
R/o Mohalla Ahmad Pora,

Near Old Bus Stand, Bhaderwah
District Doda.

16. Niaz Ul Hussain Aged 48 years
Son of Dilawar Baksh
R/o Village Lowang Tehsil Bani
District Kathua.
17. Deshbir Singh, Aged 48 years
Son of S. Gurbachan Singh,
R/o H.no.224/1-A Sought Extension
Trikuta Nagar Jammu.
18. Zaffer Amin, Aged 50 years
Son of Tassadiq Hussain,
R/o Shahdara Sharief,
Tehsil Thanamandi District Rajouri.
19. Muzzafar Ahmad Shah Aged 50 yrs
Son of Bashir-Ud-Din
R/o Housing Colony, Bijbehara
District Anantnag.
20. Nissar Ahmed Mir Aged 52 years
Son of Ghulam Nabi Mir
R/o Shalimar Srinagar.
21. Masrat Akhtar Aged 50 years
Son of Gh. Mohd. Zargar
R/o Housing Colony , Bijbehara
District Anantnag
22. Ghulam Hassan BLone, Aged 55 yrs
Son fo Late Gh. Rasool Lone
R/o WanporaGurez,
District Bandipora.
23. Gulzar Ahmed Bhat Aged 53 years
Son of Abdul Aziz Bhat,
R/o Ishbar Nishat Srinagar.
24. Tariq Ahmad Sofi, Aged 53 years
Son of Noor U Din Sofi
R/o Mohalla Baghislam,
District Baramulla.
25. Rafiq Ahmed Bhat, Aged 53 years
Son of Abdul Ahad Bhat,
R/o HyderporaByepass,
Near J&K Bank Srinagar.
26. Peerzada Ateeq Ullah Aged 52 years
Son of PirWali Mohammad,
R/o Behnipora
Tehsil & District Kupwara.

27. Gulshan Akhtar Aged 50 years
D/o Ghulam Mohd. Dar,
R/o MahindSrigufaara
District Anantnag.

28. Nissar Ahmed Hurra Aged 51 years
Son of Mohd. Ramzan Hurra
R/o NaidKhaySonawariSumbal
District Bandipora.

29. Showkat Abdullah Khan Aged 49 yrs
Son of Mohd. Abdullah Khan
R/o Y.K. PoraQazikund

30 Mohd. Suleman Chechi Aged 50 yrs
Son of JumaChechi
R/o Garkot Uri District Baramulla

31. Rafiq Ahmed Shah Aged 53 years
Son of Mohd. Mubariq Shah,
R/o Razwen Budgam

32. Showkatahmed Mir, Aged 53 yrs
Son of Mohd. Abdullah Mir
R/o Janbazpora Baramulla.

33. Ghulam Ali Aged 49 years
Son of Late sh. Abdul Rahim
R/o Village TurtukNobra
District Leh.

-Petitioner-

Versus

1. Union Territory Jammu & Kashmir,
Through Principal Secretary,
Home Department,
Civil Secretariat, Srinagar.

2. Director General of Police,
Union Territory Jammu & Kashmir,
Police Headquarters, Jammu.

3. Daljit Singh,
Inspector NGO No.5851
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground,
Gandhi Nagar, Jammu

4. Kuldeep Handoo,
Inspector NGO No.5852
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground,

Gandhi Nagar, Jammu

5. AkshayKhajouria,
Inspector NGO No. 5853
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
6. Sajad Hussain,
Inspector No. 5854
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
7. Sajad Hussain,
Inspector NGO 5854
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
8. Anil Sagar,
Inspector NGO No.5854
Son of Sh. Vidya Sagar,
R/o Ward no.4 HiranagarKathua.
9. Farooq Ahmed
Inspector NGO 5897
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
10. Mujahid Nazir,
Inspector NGO 5814
Son of Mohd. Abdullah Dar,
R/o Pandit Mohalla Haftchinar
Srinagar Kashmir.
11. Sunil Kumar,
Inspector NGO No.5911
Son of Jawahar Lal Pandita,
R/o TangwariPayeenBala
H.No.51, Ward no.7 Udhampur.
12. Jatinder Singh,
Inspector NGO No.5857
Son of S. Roop Singh,
R/o H.No.112, Near Ashram Digiana
Jammu.
13. Jagpal Sharma
Inspector NGO No.5868
Son of Mulkh Raj Sharma,
R/o Village Dasgal Tehsil Akhnoor,
District Jammu.

14. Ashok Kumar,
Inspector NGO No.5905
Son of Vishwa Nath,
R/o RownDomail, Udhampur.
15. Sushil Kumar
Inspector NGO 5875
Son of Krishen Lal
R/o PochhalTeh.& District Kisthwar
16. Mehmood Qadir
Inspector NGO 5812
Son of Sh. Abdul Qadir
R/o Jawalapora Budgam.
17. Sunil Singh Jasrotia
Inspector NGO 5881
Son of Lt. Col. (Rtd) Joginder singh
R/o H.No.62/1 Sanjay Nagar
Gangyal, Jammu.
18. JigmateDorjey
Inspector NGO 5817
Son of RinchenPaljor
R/o KhalsiLeh Ladakh
19. Sartaj Ahmad Yaqoobi
Inspector NGO 5804
Son of Mohd. Yaqoob Ganai
R/o Wanpoh Anantnag
20. Sarjeet Singh,
Inspector 5856
Son of S. Sardar Singh,
HNo.68 Sec.12 Nanak Nagar Jammu.
21. Taran Singh
Inspector NGO 5810
Son of Damodar Singh
R/o Singhpora Kalan
Tehsil & District Bala.
22. Satvir Singh
Inspector NGO No. 5885
Son of Late Sh. Ranjit Singh,
R/o Nonial Tehsil Nowshera, Rajouri
23. BhagwanDass,
Inspector NGO 5886
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
24. Vishal Manhas

Inspector NGO 5874
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu

25. Mohd. Abaas
Inspector NGO 5802
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
26. Sheikh Firdous
Inspector NGO 5824
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
27. Pankaj Kumar
Inspector NGO 5894
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
28. Sukhvir Singh
Inspector NGO 5880
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
29. Vishal Sharma,
Inspector NGO 5876
Son of Suresh Sharma,
R/o 213 Shopping Centre
Bakshi Nagar Jammu.
30. Manjeet Singh,
Inspector NGO 5861
Son of S. Manjit Singh,
R/o HNo. 621 Ashok Nagar
Satwari, Jammu.
31. Pawan Sharma
Inspector NGO 5896
S/o Durga Dass Sharma,
R/o Hno.64, Ward no.3, Court road
Udhampur.
32. SharatChander Singh
Inspector NGO 5877
S/o Dharam Singh,
R/o Ward no.4, Mandi Sheri Singh
Kathua.
33. Parladh Kumar

Insepctor NGO NO.5889
 S/o Sat Pal,
 R/o Pranzal Tehsil & Distt. Kishtwar

34. Khurshid Ahmad Wani
 Inspector NGO 5808
 Son of Late Ghulam Rasool Wani,
 R/o Dara Harwan Srinagar.

35. Krishan Rattan
 Inspector NGO No.5909
 Son of Daulata Ram
 R/o Bhakhana Tehsil & District Doda

36. Fareed Ahmad
 Inspector NGO 5900
 Office of Additional Director
 General of Police, J&K Armed Police
 Police HQ, Gulshan Ground,
 Gandhi Nagar, Jammu

37. Surinder Paul Singh,
 Inspector NGO 5888
 Son of S. Ajit Singh,
 R/o 16/7 Nanak Nagar Jammu.

38. Shankar Bahadur
 Inspector NGO 5912
 s/o Mohan Parkash
 R/o Janta Art press, Ward 6, Udhampur

39. Mohammad Maqbool Wani,
 Inspector NGO No.5826
 s/o Habibullah Wani,
 R/o ZebgariporaMagam
 Tehsil Handwara Kupwara

40. Abdul Rehman,
 Inspector NGO 5892
 Son of Lal Din,
 R/o Dharana Tehsil Mendhar
 District Poonch.

41. Anita Katyal
 Inspector NGO 5855
 D/o Hony. Capt. Amir Singh,
 R/o Smailpur Jogi Mohalla Samba.

42. Manzoor Ahmed Malik
 Inspector NGO 5828
 s/o Mohd. Yousuf Malik
 R/o Tarathpora Tehsil Handwara
 District Kupwara.

43. Ajay Sambyal
 Inspector NGO 5859

s/o Sift Singh,
R/o W.NO.9 Near Rest House Samba

44. Vinay Kumar Parihar
Inspector NGO 5910
Son of Nishan Lal Parihar
R/o Bhella Tehsil ThathriDoda

45. Anil Kumar
Inspector NGO 5879
Son of Pyara Lal
R/o 164, Krishna Nagar, Jammu.

46. Hamidullah Naik,
Inspector NGO 5906
Son of Ghulam Mohd. Naik
R/o Kuluhand Tehsil & District Doda

47. Mohd. Yousuf
Inspector NGO 5832
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu

48. Laxmi Kant
Inspector NGO 5864
Son of Janak Raj Dogra
R/o Deoli Tehsil Bishnah
District Jammu

49. Kapil Tickoo
Inspector NGO 5903
Son of Hira Lal Tickoo
R/o Lane no.2 Vijay Nagar
GoleGujral Road, Jammu.

50. Satish Raina
Inspector NGO 5882
Son of Gopi Krishan Raina
R/o H.No369 Chib General Sotre
Digiana Ashram, Jammu.

51. Mushtaq Ahmad
Inspector NGO 5893
Son of Mohammad Alam
R/o Khoriwali Tehsil Thanamandi
District Rajouri.

52. Mohd. Iqbal
Inspector NGO 5819
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu

53. Ajay Kumar

Inspector NGO 5858
Son of Dhani Ram Sharma,
R/o VPO Muthi, Jammu.

54. Ranbir Singh
Inspector NGO 5806
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
55. Mohinder Paul,
Inspector NGO 5901
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
56. Vijay Singh
Inspector NGO 5867
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
57. Neeraj Sharma
Inspector NGO 5863
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
58. Vishal Shore
Inspector NGO 5901
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
59. Vinod Kumar
Inspector NGO 5865
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
60. Manjeet Singh
Inspector NGO 5869
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
61. Gulzar Ahmed
Inspector NGO 5836
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
62. Rakesh Jamwal,
Inspector NGO 5878
Office of Additional Director
General of Police, J&K Armed Police

Police HQ, Gulshan Ground, Jammu

63. Kirpal Singh
Inspector NGO 5887
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
64. Sataykam Sharma
Inspector NGO 5866
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
65. Om Parkash
Inspector NGO 5902
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
66. Mushtaq Ahmed
Inspector NGO 5840
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
67. Riyaz Ahmed
Inspector NGO 5830
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
68. Ghulam Hassan
Inspector NGO 5807
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
69. Mohd. Rafi
Inspector NGO 5840
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
70. Malik Zada Idrees
Inspector NGO 5833
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu
71. Dharminder Kumar
Inspector NGO 5860
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu

72. Rabinder Singh 5881
Inspector NGO
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu

73. Ab. Nafi
Inspector NGO 5847
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu

74. Pervaiz Ahmed
Inspector NGO 5805
Office of Additional Director
General of Police, J&K Armed Police
Police HQ, Gulshan Ground, Jammu

-Respondents-

Advocates for applicants:- (Sri Abhinav Sharma, Senior Advocate, Sri Rahul Pant, Senior Advocate and Sri Sunil Sethi, Senior Advocate for applicants in respective T.As.)

Advocates for Respondents:- (Sri Amit Gupta, Additional Advocate General & Sri Sudesh Magotra and Sri Rajesh Thappa, Deputy Advocates General for official respondents – Sri Z A Shah, Senior Advocate, Sri Rupinder Singh, Sri D S Chauhan and Ms. Monika Kohli, Advocate for private respondents in respective T.As.)

ORDERS



Mr. Justice L. Narasimha Reddy:

This batch of three T.As. is heard by the Full Bench under a bit of extraordinary circumstances. The T.As. arise out of three SWPs, that were pending before the Hon'ble High Court of Jammu & Kashmir. They were transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir. They were listed before a Division Bench for hearing. The learned Judicial Member on the one hand and learned Administrative Member on the other, differed in their conclusions. However, they agreed on certain broad principles, and the difference was mostly about the extent of relief to be granted. As required under law, the cases were posted before a Third Member, i.e., one of us (Hon'ble Chairman). On hearing the parties at some length, the Chairman was not able to agree with the conclusions arrived at by the learned Judicial Member or the Administrative Member. With the consent of the learned counsel for the parties, these T.As. were referred to a Full Bench. Accordingly, the Full Bench was constituted and the matters are heard.

The facts

2. The applicants in the T.As. were appointed as Sub Inspectors (SIs) in Executive Wing (EW) of Jammu & Kashmir Police in the year 1995. In the State of Jammu & Kashmir, there



used to exist only one establishment of Police, which was general in nature. In the year 1960, the Armed Wing (AW) of Jammu & Kashmir Police was constituted through Section 6 of the Jammu & Kashmir Police Act. The recruitment to both the Wings are conducted separately, up to the level of Inspector.

3. The applicants in the T.As. were appointed as SIs in the EW in the year 1995, whereas the private respondents were appointed as SIs in the AW in the year 1998. The seniority lists are maintained separately for the post of SI in these two Wings. The promotions to the post of Inspector in these two Wings are made on the basis of seniority of SIs. It so happened that the SIs of AW were promoted earlier, compared to the SIs in EW. To be precise, the private respondents, who were appointed as SIs in the year 1998, got promotion to the post of Inspector in the year 2005, whereas, the applicants, who were appointed as SIs in EW in the year 1995, got promotion as Inspector in the year 2007.

4. The applicants contend that in the combined seniority list of Inspectors, which is maintained for promotion to the post of Deputy Superintendent of Police (Dy. SP), the names of the Inspectors from EW as well as AW are arranged only on the basis of the date of promotion to the post of Inspector and in the process, the private respondents were placed above them *en*



bloc. They contend that the procedure adopted by the Government is contrary to Rule 172 of the Jammu & Kashmir Police Rules. According to them, the entire police of the State is one Unit and there was absolutely no basis for maintaining separate seniority lists for Inspectors, or for that matter SIs, of EW on the one hand and AW on the other.

The plea

5. With this background, the applicants have prayed for a writ, order or direction in the nature of mandamus directing the respondent Nos. 1 & 2 to consider and promote them to the post of Inspector in Jammu & Kashmir Police w.e.f. 21.07.2005, the date on which the private respondents were promoted and to treat them as seniors to private respondents for further promotion to the post of Dy. SP. They have also made a prayer in the alternative, in the form of writ of certiorari to quash the order dated 21.07.2005 and other similar orders, through which the private respondents were promoted to the post of Inspector; and to quash the tentative seniority list dated 08.04.2010, insofar as it reflects the applicants as juniors to the private respondents; and thereafter to direct the official respondents to prepare and issue a final seniority list of SIs of Police in EW and AW as on 21.07.2005 and then to make promotion to the post of Inspector on the basis of such final seniority list.

6. Except for minor details, the prayer in all the three T.As. is on the same lines. The number of applicants in the three T.As. are 92 and the private respondents are 192 in number.



The defence

7. On behalf of the State of Jammu & Kashmir on the one hand and the private respondents on the other, separate counter affidavits are filed. According to them, the selection and appointment to the post of SI in EW on the one hand, and SI in AW on the other, is on the basis of separate advertisements and selection processes; and accordingly, the seniority lists for those posts are maintained separately. They contend that the promotions to the post of Inspector in the respective Wings take place, depending upon the availability of vacancies and eligibility conditions in the feeder category. It is stated that the seniority lists of SIs in those Wings are prepared, and there cannot be any comparison between the two Wings whatever, in this behalf. It is also stated that the applicants were very much aware at the time of recruitment that on being appointed to the post of SI in EW, separate seniority lists would be prepared for them and that they have to take their turn for promotion to the post of Inspector and that it is not open to them to claim parity with SIs or Inspectors in AW at this length of time. They strongly refute the plea of the applicants that the entire Jammu

& Kashmir Police is one Unit and placed reliance upon Section 6 of the Jammu & Kashmir Police Act.



8. The respondents further contend that when similar grievance was made out by the members of the AW, complaining that their promotions are taking place much later, compared to those in the EW, the Hon'ble High Court did not accept the plea and upheld the maintenance of separate seniority lists at the stage of SIs. The respondents stated that the same situation remains at present, but from a different angle and that the applicants do not have any right in their favour. The plea of limitation is also raised.

9. Arguments on behalf of the applicants were advanced by Sri Abhinav Sharma, Sri Rahul Pant & Sri Sunil Sethi, Senior Advocates. They have elaborated their contentions that are raised in respective T.As. Arguments on behalf of official respondents were advanced by Sri Amit Gupta, Additional Advocate General & Sri Sudesh Magotra and Sri Rajesh Thappa, learned Deputy Advocates General; and on behalf of private respondents, Sri Z A Shah, learned Senior Advocate, Sri Rupinder Singh, Sri D S Chauhan & Ms. Monika Kohli, learned counsel, advanced their arguments. They too have apprised this Court all various developments, that have taken place in the dispute as regards the claims of one Wing of Police *vis-à-vis* the other Wings.



The discussion

10. In pure and simple terms, the dispute in these T.As. is one of seniority. However, the facts, that gave rise to the dispute, are a bit complicated. As mentioned at the threshold, there exist two separate Wings in the Jammu & Kashmir Police. What is somewhat startling is that the State did not enact or prepare a clear set of RRs for either of the Wings. The recruitments and further promotions are undertaken mostly on the basis of administrative instructions or general principles. Existence of the respective RR would have avoided the complications and litigation.

11. The applicants responded to an Advertisement issued in the year 1993, for the post of SI (EW). The Advertisement was exclusively for that post. The selection process was spread over to two years and ultimately, they were appointed as SIs in the year 1995. The private respondents, on the other hand, responded to an Advertisement issued in the year 1997 for the post of SI of AW and they were appointed in the year 1998. The notifications / advertisements were exclusively for the posts of SI (EW) or SI (AW), as the case may be. Separate seniority lists are prepared and maintained for the post of SI of the two Wings. While the SIs of AW were promoted to the post of Inspector in their Wing in the year 2005, the applicants, who

were appointed as SIs three years earlier, were promoted to the post of Inspector in their Wing, three years later, i.e., in the year 2008.



12. The confluence of these two Wings takes place, at the stage of promotion to the post of Dy. SP, which is of a gazetted rank. Tentative / provisional seniority list of Inspectors was published on 08.04.2010. The names of the Inspectors from both the Wings were arranged purely based upon the dates of their promotion to that post. Naturally, the applicants figured *en bloc* below the private respondents, who were promoted to the post of Inspectors three years earlier. This would have its own impact upon the chances of the applicants for promotion to the post of Dy. SP. This batch of T.As is filed claiming various reliefs.

13. We are of the view that the following issues arise for consideration:

- (a) Whether the SWPs and thereby the T.As. are barred by delay and latches?
- (b) Whether the plea of the applicants that common seniority list must be maintained for the post of SIs and Inspectors

of all the Wings of Jammu & Kashmir Police, is supported by any provision of law and to what extent?



(c) Whether the promotions of the private respondents are liable to be set aside?

The first question

14. The separate seniority lists of EW on the one hand and AW, on the other hand, are being maintained for the post of SI at least from 1990s. While the applicants were appointed as SI in EW in the year 1995, the private respondents were appointed as SI in AW in 1998. The applicants did not make any protest about the maintenance of the separate seniority lists. Assuming that they were not aware of the process of maintenance of separate seniority lists at that time, at least when the private respondents were promoted in the year 2005, the applicants were expected to come forward with their plea. Nothing of that sort took place. They were promoted as Inspectors in 2008. Even at that stage, they did not have any qualms *vis-à-vis* the private respondents.

15. It was only when a tentative seniority list was published for the post of Inspector for promotion to the post of Dy. SP in the year 2010, that the applicants are said to have realized the

alleged injustice to them. It was five years thereafter, that the SWPs and thereby, the T.As. were filed. In the meanwhile, the applicants on the one hand and the private respondents on the other, were occupying their respective posts and enjoying the rights that accrued to them. The promotions, that took place in the year 2005, cannot be set at naught, a decade thereafter. Similarly, a tentative seniority list cannot be interfered with, when questioned, half a decade thereafter. Therefore, the T.As. are clearly barred by laches and delay.

16. Strictly speaking, there would not be any necessity to examine other questions, once the T.As. are treated as barred by delay and laches. However, we undertake discussion on to the other questions also.

The second question

17. The basic plea of the applicants is that the entire Jammu & Kashmir of Police is one Unit and the official respondents were under obligation to prepare and maintain the common seniority list of SIs as well as Inspectors for both the Wings. We have already mentioned that the State did not frame any Rules in this behalf. It was mostly on the basis of the long practice or Executive instructions. The plea of the applicants that the

Armed Police is a separate Wing of Jammu & Kashmir Police, is evident from Section 6 of Police Act, which reads:-



“For internal security of the State, a special force called the “Jammu and Kashmir Armed Police” is maintained at Srinagar and Jammu. It is ordinarily used to meet any emergency in the law and order situation throughout the State. Being essentially a task Force normally it is not to be employed on duties of a routine nature, which are performed, by the Civil or the District Armed Reserve.

This force is specially “Trained” like an infantry Battalion. It shall be maintained and equipped in such strength and formations as Inspector-General of Police may, from time to time, direct.

The Battalion of this force will be patterned and provisioned on the recommendations of the “All India Police Committee” subject to such alterations as the local conditions demand, with the Government sanction.”

18. Having regard to the fact that the nature of duties, to be discharged by the AW and type of training to be imparted to them is substantially different, the establishment was maintained separately and independent of the EW. This separation is strictly maintained up to the stage of Inspector. At no point of time, the applicants have made any issue out of it. The promotions to the post of Inspector were being made on the basis of seniority of the SIs of the respective Wings.

19. It is true that under Rule 172 of the Police Rules, the method of preparation of seniority list, etc. is provided.

However, no steps seem to have been taken to amend the Rules after the AW was created through Section 6 of the Jammu & Kashmir Police Act, 1960.



20. The question as to whether the State is under an obligation to maintain a common seniority list for the post of SI, was raised before the Hon'ble High Court, on more occasions than one. Initially, in LPA No.28/1972, it was opined that the common seniority list must be maintained for all the Wings of the Police. However, the parties to those proceedings were Constables and Assistant Sub Inspectors (ASIs). Nothing substantial came out of it. Thereafter, SWP No.630/1995 was filed before the Hon'ble High Court (**Farooq Ahmed Mir & others v. State of Jammu & Kashir & others**) by the SIs of AW of Jammu & Kashmir Police. Their grievance was that the SIs of other Wings got promoted to the post of Inspector earlier and if a common seniority list was being maintained for the post of SI of all the Wings, such discrimination would not have taken place. In a way, they pleaded what the applicants in the present T.As. are pleading. That was allowed by the learned Single Judge. Another SWP No.307/2006 was filed by the SIs of Telecommunication Wing (TW). Similar grievance was ventilated, complaining about the delay in their promotions to the post of Inspector. That was dismissed by the learned Single Judge on the ground that the duties of the TW personnel are



substantially different and they cannot draw comparison with other Wings. LPASW Nos. 153/2003 and 184/2009, arising out of judgments in those two SWPs, were heard together. Through its judgment dated 22.12.2015, a Division Bench of Hon'ble High Court of Jammu & Kashmir has reversed the judgment in SWP No.630/1995 on the ground that (a) the petitioners did not approach the competent authority at the relevant point of time, ventilating their grievances; (b) they did not implead the affected parties; and (c) there was no enormous delay in pursuing the remedies.

21. The only difference in this set of proceedings is that it is the turn of the SIs of EW, to complain about delay in their promotions.

22. It has already been mentioned that an attempt made by the SIs of AW and TW, to seek a direction to the Government to maintain a common seniority list, was thwarted on the grounds (a) not approached the Government with a representation at the relevant point of time; (b) failure to implead the affected parties; and (c) the delay in pursuing the remedies. The only improvement in this batch is that the applicants have impleaded the affected parties. On the remaining two aspects, the same situation obtains.



23. It is evident that the applicants are not able to cite any broad provision in support of their contention. Rule 172 of the Police Rules is general in nature and it does not refer to the existence of separate Wings in the Police. Further, the practice of maintenance of separate seniority lists for the posts of SI and Inspector of different Wings is *in vogue* for the past several decades. It has assumed the strength of law.

24. We are of the view that whatever may be the perception about the method of maintenance of separate seniority lists and making promotions in the absence of Rules, at least when the litigation started decades ago, the Government ought to have framed the Rules, governing the respective posts. There was a clear default on the part of the Government and that, in turn, has given rise to the avoidable litigation. Though it cannot be said that any illegality has taken place in the promotions of the applicants on the one hand and the private respondents on the other, at the relevant point of time, the Government needs to step in with a set of Rules bringing about complete clarity on the issue.

25. The absence of Rules in the context of maintenance of seniority lists, at least when there is a convergence of two different categories, cannot be just or equitable. It would result



in *en bloc* promotions of Inspectors of only one category to the post of Deputy Superintendent of Police at a given point of time to the detriment of the other categories. The same situation would arise some time later and the category, which was beneficial at one point of time, would be at the receiving end at a subsequent stage. This would result in serious dissatisfaction in the Police force. A decent mechanism to intersperse the vacancies for the respective categories, depending upon the cadre strength of each of them, would bring about a perfect system.

The third question

26. The third question arises out of the alternative plea of the applicants. We have already taken the view that the promotions in the EW and AW are separate up to the stage of Inspector. The applicants are not able to cite any provision of law, that can be said to have been violated, in the process of promotion of the private respondents. Hence, we do not find any basis to interfere with the promotion of the private respondents as Inspectors.

27. We, therefore, dismiss these T.As., but direct the Government to consider the feasibility of framing the Recruitment Rules for the posts of Sub Inspector and Inspector

in various Wings of the Jammu & Kashmir Police as well as the Rules pertaining to the maintenance of common seniority list for Inspectors, duly maintaining proper ratio between Executive Wing and Armed Wing. The exercise, if undertaken, shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

(A K Bishnoi)
Member (A)

(Bidisha Banerjee)
Member (J)

(Justice L. Narasimha Reddy)
Chairman

/sunil/