



## Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.3693/2020  
(S.W.P. No.1468/2003)

Wednesday, this the 20<sup>th</sup> day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Pradeep Kumar, Member (A)**

1. Anil Kumar Vishwakarma, aged 42 years, S/o Sh. Chuni Lal, R/o Lane No/House No. 131 Sec (A), Subash Nagar, Jammu.
2. Vijay Kumar Sharma, aged 42 years, S/o Late Sh. Ram Parkash Sharma, R/o Plot No. 877, Janipur, Jammu.
3. Rajesh Raina, aged 42 years, S/o Sh. Suraj Parkash Sharma, R/o New Plot in Lane State Motor Garage, Jammu.

..Applicants

(Nemo for applicants)

Versus

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|--|---|
| <ol style="list-style-type: none"> <li>4. State of Jammu &amp; Kashmir, Through Chief Secretary, J&amp;K Govt. Civil Sectt., Srinagar.</li> <li>2. Principal Secretary to Govt., Power Dev. Deptt., J&amp;K Govt. Civil Sectt., Srinagar.</li> <li>3. Development Commission, P.D.D. J&amp;K, Jammu.</li> <li>4. Chief Engineer, Power Dev. Deptt., J&amp;K Jammu.</li> <li>5. Ghulam Qadir Thakur.</li> <li>6. Mukhtiar Ahmed Mir.</li> <li>7. Mohd. Shafi Shah.</li> <li>8. A.K. Razdan</li> </ol> | <ol style="list-style-type: none"> <li>5. Respondents No. 4 to 8 Through Chief Engineer, P.D.D. Jammu.</li> </ol> |
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...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

**O R D E R (ORAL)****Mr. Justice L. Narasimha Reddy:**

The Power Development Department of Jammu & Kashmir issued a tentative seniority list for the post of Draftsman on 16.02.1994, taking into account the relevant factors for determining the seniority. It is stated that though in some cases the date of appointment or the date of confirmation was taken into account, it so emerged that in certain cases, of request transfers, the seniority was fixed, taking into account, the service in previous Units, to which they have been transferred. Aggrieved by impugned seniority list dated 21.06.2002, they filed SWP No.1468/2003 before the Hon'ble High Court of Jammu & Kashmir. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and registered as T.A. No.3693/2020.

2. There is no representation from the applicants. Today, we heard Mr. Sudesh Magotra, learned Deputy Advocate General and perused the records.

3. It is no doubt true that the applicants were shown at a particular place in the earlier tentative seniority list and the position was changed to the detriment in the second tentative seniority list. The fact, however, remains that the respondents have taken into account, several factors, such as, the dates of

Item No.4



appointment and confirmation or the factum of the employee having been transferred from one Unit to other, on request. Added to that, the sources of appointment to the post were many. On consideration of these factors, there is no ground to change it. Earlier, the seniority list was issued on the basis of certain criteria, and after receiving the representations from the affected persons, the impugned seniority list was issued. We are satisfied that the reasons mentioned by the official respondents in support of tentative seniority list are acceptable. Further, the final seniority list did not exist by the time the SWP was filed. It hardly needs any mention that promotions can be made only on the basis of final seniority list. It is not known as to whether the applicants are still in service or whether they have earned promotion.

4. Viewed from any angle, we do not find any basis to interfere in the matter. The T.A. is accordingly dismissed. There shall be no order as to costs.

**( Pradeep Kumar )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**January 20, 2021**

/sunil/dsn/sd/shakhi/vb/