

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A.61/3706/2020 (SWP.No.909/2003)

This the 17th day of December, 2020

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

1. Raj Kumar Symbyal, S/o Sh. Gian Chand, R/o Krishan Nagar, Jammu. (Age: 40 years).
2. Daulat Ram, Bhagat, S/o Sh. Lal Chand Bhagat, R/o Doda, (Age: 45 years)
3. Joginder Kumar, S/o Sh. Indru Ram, R/o Batthera, Bhalwal, Jammu. (Age: 40 yrs)
4. Kuldeep Kumar, Kaith, S/o Late. Sh. Garib Dass, R/o Vill. Chohala, The. R.S. Pura, Distt. Jammu (Age: 41 years).

.....Applicants

(Advocate:- Mr. C.S. Azad-**Not Present**)

Versus

1. State of Jammu and Kashmir, through Commissioner-cum-Secretary to Govt. Public Works Department, J&K Govt. Civil Sectt. Srinagar.
2. Principal/Secretary to Govt., Public Works Department, J&K, Govt, Civil Sectt. Srinagar.
3. Secretary to Govt., Hydraulic Department, PHE Irrigation and Floor Control Department, Civil Sectt. Srinagar.

.....Respondents

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



ORDER**[O R A L]**

Justice L. Narasimha Reddy, Chairman: -



The applicants joined the service of Public Works Department (PWD) between 1983 and 1986 in various capacities including Junior Engineer (JE). They were promoted on ad hoc basis to the post of Assistant Engineer (AE) with effect from 08.03.1991, notionally and actually from 24.07.1992. The applicants claim that they belong to Scheduled Caste (SC). Some litigation ensued as regards the actual date of promotion on ad hoc basis to the post of AE. According to them, there existed adequate vacancies, and they are entitled to be considered against them.

2. Stating to be in compliance with the judgment of the Hon'ble Supreme Court in Civil Appeal No.3034/2000, dated 28.04.2000, in Prakash Gupta v. State of Jammu & Kashmir, the PWD issued a final seniority list for the post of AE (Civil) in the Hydraulic Wing, on 23.07.2002. The names of the applicant did not figure therein. The applicants filed SWP.No. 909/2003, before the Hon'ble High Court of Jammu & Kashmir, challenging the seniority list in so far as they did not figure their names.

3. The Writ Petition has since been transferred to this Tribunal in view of reorganization of the State of Jammu and Kashmir and renumbered as TA.No.3706/2020.

4. The respondents did not file any reply.



5. The TA was listed for hearing yesterday. Since there was no representation, we directed to list the same today. Even today, there is no representation on behalf of the Applicants.

6. We heard Mr.Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

7. Even from a perusal of the Writ Petition, it is evident that the applicants are working in the post of AE, only on ad hoc basis. It is only the AEs, who are appointed or promoted on regular basis, that would find place in the final seniority list. Further, 18 years have elapsed ever since the Writ Petition was filed. It is not known as to what developments have taken place over the period, as regards the service of the applicants. At this length of time, the question of interfering with the seniority list dated 23.07.2002, does not arise. Further, the affected persons were also not made parties. It is, however, directed that in case, the applicants are promoted to the post of AE on regular basis, their names shall be included in the seniority list at the appropriate places.

8. The TA is disposed of accordingly. There shall be no order as to costs.



(MOHD JAMSHED)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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