



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.3805/2020
(S.W.P. No.847/2003)

Wednesday, this the 20th day of January, 2021

(Through Video Conferencing)

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

Chaman Lal Takroo S/o Late Sh. Pushkar nath Trakroo, R/o:
H.No. 160, Amar Colony Manshi Chak, Talab, Tiloo, Jammu,
Age : 36 years..

..Applicant

(Mr. P N Bhat, Advocate)

Versus

1. State of J&K through Commissioner/Secretary Public Works Department, Jammu.
2. Chief Engineer, Public Works Department, Jammu.

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was appointed as Draftsman on 27.01.1986 in the R & B Department of Jammu. Thereafter, he was posted at Karnah Hydel Project Tangdar. The respondents issued a tentative seniority list for the post of Draftsman of Jammu Division and the name of the applicant figured therein. On receiving certain representations, the respondents modified the same and deleted the name of the applicant. He filed SWP

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No.847/2003 before the Hon'ble High Court of Jammu & Kashmir challenging the deletion of his name from the seniority list for the post of Draftsman of Jammu Division.

2. The applicant contends that all through, he is working in Jammu Division, and though he was intermittently posted in Kargil, he was required to be shown in the seniority list of Jammu Division.

3. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the applicant was wrongly shown in the seniority list of Jammu Division, while he was in the Srinagar Division, and when the same was noticed, his name was removed. It is also stated that the applicant was borne on the cadre of Srinagar Division and in the seniority list of Draftsman of that Division, he figured at Sl. No.133.

4. In view of bifurcation of the State of Jammu, the SWP has since been transferred to this Tribunal and registered as T.A. No.3805/2020.

5. Today, we heard Mr. P N Bhat, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.

6. The Draftsman is a divisional cadre post. Though the applicant states that he was appointed on 27.01.1986 as Draftsman, he is not clear about the Division, to which he was

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appointed or the place of his first posting. The particulars furnished by him are about the transfers, which have taken place from time to time. Hardly, they constitute any basis for determining the cadre on which the name of the applicant is borne. Obviously because the applicant worked for a long time in Jammu Division, be it on request or on administrative transfers, his name was shown in the tentative seniority list of that Division. However, once the respondents realized that the applicant is originally borne on the cadre of Draftsman of the Srinagar Division, they removed his name. A representation made by the applicant in this behalf was also considered.

7. In the reply filed by the respondents, it was categorically stated that the name of the applicant figured at Sl. No. 133 of the seniority list dated 09.07.1998 of the Srinagar Division. Once that is so, the name of the applicant cannot figure in both the Divisions. Even now, the applicant can satisfy the authorities that he has been originally appointed in the Jammu Division and he continued to be on the same cadre. If adequate material exists, the respondents need to delete the name of the applicant from the seniority list of Srinagar Division and then include the same in the seniority list of Jammu Division, at appropriate place.

8. We, therefore, dispose of the T.A., leaving it open to the applicant to submit representation to the authorities, about the

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cadre to which he was originally appointed. That shall be disposed of through a detailed order within two months from the date on which the representation is made. If there exists any acceptable material to show that the applicant was originally borne on the cadre of Jammu Division from the stage of appointment, his name deserves to be included in the seniority list of Draftsman of Jammu Division, duly deleting his name from the seniority list of Srinagar Division. On the other hand, if he is borne on the Srinagar Division from the beginning, nothing further needs to be done.

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/