

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 61/593/2021**

This the **7<sup>th</sup>** day of **April, 2021**

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)  
HON'BLE MR. TARUN SHRIDHAR, MEMBER (A)**



Rajinder Singh; aged 47 years S/o Sh. Shamsher Singh, R/o Panjoot, P.O. Pallanwal Tehsil Khour, District Jammu.

.....Applicant

(Advocate:- Mr. Nitin Bhasin)

**Versus**

1. Union Territory of Jammu and Kashmir through Principal Secretary to Govt., Department of Skill Development, Civil Secretariat, Jammu/Srinagar Pin 180001.
2. Director, Skill Development Department, Bikram Chowk, Jammu Pin 180016
3. Sh. Imtiyaz Ahmed Mir, I/C Superintendent, At present, Directorate of Skill Development, Bikram Chowk, Jammu Pin 180016.
4. Sh. Parvez Iqbal Bhat, I/C Superintendent, At present, Directorate of Skill Development, Bikram Chowk, Jammu Pin 180016.
5. Sh. Archana, I/C Superintendent, At present, Directorate of Skill Development, Bikram Chowk, Jammu Pin 180016.

6. Sh. Ishfaq Ahmed Reshi, I/C Superintendent, At present, Directorate of Skill Development, Bikram Chowk, Jammu Pin 180016.

.....Respondents

(Advocate: Mr. Amit Gupta, Id. A.A.G.)



### **O R D E R [O R A L]**

**(Delivered by Hon'ble Mr. Tarun Shridhar, Member-A)**

Learned counsel for the applicant submits that the applicant is aggrieved with the impugned Government Order No. 10-JK (DSD) of 2021 dated 16.02.2021 of which the respondent nos. 3 to 6 have been placed on an higher post as Incharge Superintendents of ITI where the applicant is senior to them and have been merely asked to look after the arrangement of the ITI. The applicant has apprehension that on account of placing his junior in the higher position, his chances for further promotion will jeopardize and he may have to hold the post of supervisor despite discharging the duties of higher post since the year 2018. The learned counsel for the applicant draws attention to the recruitment rules for the technical cadre in the Jammu & Kashmir Technical Education (Gazetted) Service Recruitment Rules, 2002 and argues that the applicant who fulfil all the required qualification and eligibility criteria have to be promoted to the post of superintendent and argues that the sufficient number of post falling vacant under the quota where the applicant falls and as it is obvious on the documents on record. The respondents have resorted to adhoc measures to man this position by merely placing the officers to this post without granting the benefit of promotion.



2. Learned counsel for the respondents avers that the impugned order does not in anyway affect the applicant as this order merely places the officers for manning the post of superintendent without the benefits of the higher pay and grade of that post. He draws attention to the specific provision in that order, which says that the promoted officers do not have any right to substantive benefits of the promotion post.

3. Having heard the learned counsel for the parties, we feel that the OA can be disposed of at this initial stage by way of a direction to the respondents to take necessary steps to fill up the vacant post of superintendents in accordance with the recruitment rules and while doing so take a decision on the claim and right of the applicant as also the private respondents strictly in accordance with the seniority subject to fulfilment of other criteria.

4. The respondents shall take necessary steps to fulfil the post of superintendent expeditiously as possible not later than 06 weeks from the date of receipt of a certified copy of this order. No Costs.

5. The respondents are also directed to avoid continuing manning this position by way of adhoc arrangement / promotion without financial benefits and falls wrong sides of provisions and law of CCS (CCA) Rules for granting the temporary promotion.

**(TARUN SHRIDHAR)**  
**MEMBER (A)**

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**

JNS