

**Central Administrative Tribunal
Jammu Bench, Jammu**

TA No.5315/2021
(SWP No. 2167/2010)

Wednesday, this the 5th day of May, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Muzamal Hussain, Age 48 years
S/o Shri Mohd. Shafi
R/o Village Dhargloon, Tehsil Mendhar
Distt. Poonch.

...Applicant

(Nemo for applicant)

VERSUS

1. State of Jammu and Kashmir
Through Commissioner Secretary to Govt. PHE
Irrigation and Flood Control Department
Civil Secretariat, Srinagar/Jammu.
2. Chief Engineer
Irrigation and Flood Control Department/
PHE Department, Jammu.
3. District Superintending Engineer Hyd.
Circle Poonch.

...Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicant was working as Junior Engineer (Civil) in the Irrigation & Flood Control Department. The next promotion is to the post of Assistant Engineer (Civil). It is stated that the reservation to the extent of 2% is provided in favour of ALC category for promotion to the next higher post. Complaining that the respondents did not fix any roster point in this behalf, the applicant filed SWP No.2167/2010 before the Hon'ble High Court of Jammu & Kashmir with a prayer to direct the respondents to promote him as Assistant Engineer (Civil) under ALC category with effect from the date of his entitlement.

2. The respondents did not file any counter affidavit.
3. The SWP has since been transferred to the Tribunal in view of the reorganisation of the State of Jammu & Kashmir and renumbered as TA No. 5315/2021.
4. Today, there is no representation for the applicant. Since it is one of the oldest matters, we perused the record and heard Mr. Rajesh Thappa, learned Deputy Advocate General.

Item No. 19

5. Even according to the applicant, there exists a provision for reservation in roster in favour of ALC category candidates for promotion to the post of Assistant Engineer (Civil). It is not the case of the applicant that the reservation was not implemented. His grievance is that the respondents did not identify the roster point.

6. The necessity to indicate the roster point would arise when the ratio is required to be maintained. The procedure that is being followed by the respondents is not indicated. The applicant can have grievance, if only the reservation is not implemented or any person, junior to him in that category, is promoted. In the absence of such pleadings, we cannot grant him any relief.

7. The T.A. is accordingly dismissed. It is left open to the applicant to make a representation to the respondents in case the reservation to the extent, as provided under the Rules, is not implemented. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 5, 2021
/sunil/jyoti/sd/