



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 4052/2020
(SWP No.1898/2003)

This the 25th day of January, 2021

(Through Video Conferencing)

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

1. Rajesh Sharma S/o Sh. Ram Lal Sharma
R/o 3/3, Trikuta Nagar, Jammu
Age 40 years
2. Mustaq Ahmed, S/o Sh. Noor Hussain
R/o Khara Madana Teh. Samba, Distt. Jammu
Age 33 years
3. Manmohan Singh, S/o S. Ishar Singh
R/o H.No. 65, Sector 13,
Nanak Nagar, Jammu
Age 38 years
4. Jatinder Singh, S/o S. Bagh Singh
R/o B P Sharma Book Seller,
Haveli Distt. Poonch
Age 38 years
5. Rifat Kohli, S/o Sh. A. G. Kohli
R/o 105/6, Channi Himat,
Jammu
Age 32 years
6. Mohd. Saleem S/o Mohd Hussain
R/o Maranote, Tehsil Haveli Distt.,
Poonch
Age 39 years
7. Manisha Sarin, D/o H L Sarin
R/o 27 Idgah Road, Jammu
Age 30 years
8. Bharat Bhusan, S/o Som Nath
R/o 201, Ward No. 6
Kathua
Age 33 years

9. Indu Kanwal, D/o Sh. Kanwal Singh
R/o 26, New Campus,
Jammu University, Jammu

...Applicants

(*Nemo* for applicants)

Versus



1. State of Jammu and Kashmir through Chief Secretary, J & K Government, Civil Secretariat, Srinagar
2. Principal Secretary to Government, General Administrative Department, Civil Secretariat, Srinagar
3. Talat Prevaiz Iqbal, S/o Sh. Abdul Karim Rohella, New Sheikh Davod Colony, Lachmanpora, Batmaloo, Srinagar.
4. Farooq A Kimani, S/o Sh. Kh. Gh. Qadir
R/o J-32, Jawahar Nagar, Srinagar
5. Rehana Batul, D/o Sh. Abdul Azim
R/o Fort Road, Sheldan, Leh- 5-C
Shastri Nagar, Jammu
6. Rukhsann Gani, D/o Sh. Abdul Gani Khanday
R/o C-17, Government Qtrs. Gandhi Nagar, Jammu
7. Sh. Zuber Ahmed S/o Ghulam Hassan Teli
R/o Rohama Rafiabad Distt. Baramulla Kashmir

... Respondents
(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants were selected and appointed to the Jammu & Kashmir Administrative Service (for short, JKAS) in the year 1999, and on completion of the relevant training and probation, they were allotted to various departments. In the context of

promotion to the time scale in JKAS, the Government issued SRO No.472 of 2001 stipulating certain parameters. The applicants filed SWP No.1898/2003 before the Hon'ble High Court of Jammu and Kashmir with a prayer to quash SRO No.472/2001 as well as SRO No.158 of 2002.



2. The applicants contend that the conditions stipulated under the impugned SRO would adversely affect their promotional avenues.

3. The respondents filed a detailed counter affidavit. It is stated that the SRO No.472 of 2001 was issued prescribing procedure for promotion to the time scale. It is also stated that the said SRO was substituted by SRO No.174 of 2005.

4. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and renumbered as TA No.4052/2020.

5. When the case is listed today for hearing, there is no representation on behalf of the applicants. Since it is a case of 2003, we have perused the record and heard Shri Sudesh Magotra, learned Deputy Advocate General.

6. The principal grievance of the applicants was against the SRO No.472 of 2001. Whatever may be the correctness or otherwise of the contention of the applicants in that behalf, the fact, remains that the government issued SRO No.174 of 2005 amending the SRO No.472 of 2001. With this, a totally different

picture emerges. If the applicants feel aggrieved by the SRO No.174 of 2005, they have to work out their remedies separately.

7. We, therefore, dispose of the T.A. leaving it open to the applicants to pursue the remedies *vis a vis* SRO No.174 of 2005, if they feel aggrieved by that. There shall be no order as to costs.



(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/pj/sunil/vb/ankit/neetu