

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.5391/2021
(SWP No.567/2009)

Monday, this the 28th day of June, 2021

(Through Video Conferencing)

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

Arshad Hussain, age 31 years,
Sub-Inspector (No. ARP-026223)
S/o Nizam Din Wani
R/o Pratap Nagar,
Ward No. 17, Kathua

..Applicant

(Mr. Amit, Advocate *vice* Mr. Rohit Verma, Advocate)

VERSUS

1. State of J& K,
Through the Chief Secretary
J & K Government
Civil Sectt. Jammu
2. Director General of Jammu and Kashmir Police,
Police Headquarters, Camp Jammu.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was working as Sub Inspector in the Armed Wing of the Jammu & Kashmir Police. He stated that he was instrumental in the elimination of many dreaded militants and his superior officers also recommended his case for out of turn



promotion. His grievance is that the respondents did not extend the benefit of out of turn promotion. He filed SWP No.567/2009 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to extend him the benefit of out of turn promotion as Inspector.

2. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the applicant discharged the routine duties and he did not make any exceptional achievements. It is stated that the plea of the applicant was considered in terms of the order dated 29.11.2007 issued by the Government and on finding that the case of the applicant does not fit into it, the benefit was not extended.

3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.5391/2021.

4. Today, we heard Mr. Amit, learned counsel *vice* Mr. Rohit Verma, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.

5. The applicant claims the benefit of out of turn promotion. By its very nature, it is purely discretionary and much would



depend upon the conclusions arrived at by the concerned authority. The Tribunal cannot record any definite finding in this behalf. The applicant did not attribute any motives or *mala fides* to the respondents. It is fairly well settled that the out of turn promotion cannot be claimed as of right. The respondents stated that the case of the applicant was considered and it was rejected.

6. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

June 28, 2021
/sunil/mbt/sd/dsn/