



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5407/2021
(S.W.P. No.1891/2009)

Friday, this the 21st day of May, 2021

(Through Video Conferencing)

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

Omesh Thakur, age 29 years,
Sub Inspector (No. ARP-046145),
S/o Sh. Munshi Ram Thakur,
R/o Vill. Rajgarh,
Teh. & Distt. Ramban.

... Applicant
(Mr. Rohit Verma, Advocate)

Versus

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

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



O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was appointed as Sub Inspector in the Kashmir Armed Police in December, 2004. Thereafter, he was promoted as Inspector. By referring to certain instances, wherein some militants were eliminated, the Government offered a cash reward of Rs.30000/- but he refused to accept the same on the ground that his other colleagues were extended the benefit of out of turn promotion. He made several representations in this regard and ultimately, he filed SWP No.1891/2009 before the Hon'ble High Court of Jammu & Kashmir, for a direction to respondent No2 to extend him, the out of turn promotion to the rank of Inspector in the pay scale of Rs.6500-10500 on the basis of his exceptional and consistent performance. He has also prayed for a direction to treat his promotion as effective from 02.06.2008.

2. The applicant contends that while his other team members were extended the benefit of out of turn promotion, he was denied the same for no reasons.

3. The record discloses that the respondents did not file any counter affidavit.



4. 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.5407/2021.

5. Today, we heard Mr. Rohit Verma, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.

6. The applicant furnished the details of his participation in anti-militancy activities. He has also referred to the instances of rewards being extended to his colleagues. The circumstances under which the police officials, named by the applicant, were extended the benefit of out of turn promotion, are not immediately before us. No one can claim the benefit of out of turn promotion as a matter of right. One should not feel that there is any element of discrimination in this regard. We are of the view that the applicant can be required to make a representation in this behalf to respondent No.2, who, in turn, shall examine the record and pass appropriate orders. Since the T.A. was pending for the past several years, the benefit, if extended, can also be moulded in such a way, that the time lag is taken care of.



Item No.12

7. We, therefore, dispose of the T.A., leaving it open to the applicant to make a representation claiming the benefit of out of turn promotion to the post of Inspector, to respondent No.2, within four weeks from the date of receipt of a copy of this order. The respondent No.2, in turn, shall pass appropriate orders thereon, within eight weeks thereafter, duly verifying the relevant documents and records.

There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 21, 2021
/sunil/lg/ankit/sd/