

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 61/753/2021**

This the 05th day of May, 2021

**HON'BLE MR. ASHISH KALIA, MEMBER (J)**  
**HON'BLE MR. ANAND MATHUR, MEMBER (A)**



1. Raiz Ahmed, age-47 years S/o Mohd. Shafi R/o Vill. Mangota, Tehsil & Distt. Doda.
2. Tablib Hussain, age-49 years, S/o Abdul Star, R/o Vill. Mangota, Tehsil & Distt. Doda.
3. Tuphail Ahmed, age-49 years, S/o Mohd. Shafi Parray, R/o Mangota, Tehsil and District Doda.

.....Applicants

(Advocate:- Mr. M.A. Bhat)

**Versus**

1. State of Jammu and Kashmir through Commissioner Secretary to Government, Education Department, Civil Sectt. Jammu. 180001.
2. Director, School Education, Jammu. 181205.
3. Chief Education Officer, Doda. 182202.

.....Respondents

(Advocate: Mr. Sudesh Magotra, Id. DAG)

**ORDER**

**[O R A L]**

**(Delivered by Hon'ble Mr. Ashish Kalia, Member-J)**

An advertisement was issued on 21.04.1998 for Class-IV posts in the Education Department. The applicants had applied for the same, but they were not considered. The applicant preferred an SWP No. 1989 of 2007 before the Hon'ble High Court and the Hon'ble High Court vide order dated 23.11.2012 directed the respondents to appoint the applicants in the same analogy as private respondents in the said writ petition. The applicants were appointed by the respondents on 29.05.2014. Now, a DPC has been constituted for promotion to non-teaching category on 04.05.2021 which is stated to have been postponed. The applicants made a representation before the respondents stating

therein that they are fully eligible for being considered for promotion to the next higher post and hence, they may be considered. This representation is stated to be pending with the respondents.



2. Learned D.A.G. apprises the fact that if the applicants are eligible, they would be considered for promotion by the Department.

3. We have heard Mr. M.A. Bhat, learned counsel for the applicants and Mr. Sudesh Magotra, learned D.A.G. for the respondents and perused the records.

4. The applicants have stated that they have made a representation before the respondents requesting therein that they may be considered for promotion. This representation has been made very late, at the fag end of the DPC and hence, we cannot direct the respondents to consider the case of the applicant in the present DPC. However, we are of the view, that the respondents should take a call on the representation made by the applicants and take a decision whether a separate DPC can be constituted for the promotion of the applicants, if they are found to be eligible. Let this exercise be completed within a period of six months from the date of receipt of certified copy of this order.

5. It is needless to say that we have not looked into the merits of the case. However, we also give liberty to the applicants to approach this Tribunal, in case, they are not satisfied with the action so taken by the respondents.

6. With the above observations, the O.A. is disposed of.

**(ANAND MATHUR)**  
**MEMBER (A)**

*Arun*

**(ASHISH KALIA)**  
**MEMBER (J)**