

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A.61/00481/2020

This the 21st day of January, 2021

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**



Dr. Javid Iqbal S/o Nazir Ahmad Mir, R/o Link Road, Kishtwar,
District Kishtwar, age 54 years.

.....Applicant

(Advocate: Mr Ajay Abrol)

Versus

1. Union Territory of Jammu and Kashmir through Principal Secretary to Govt., Animal and Sheep Husbandry Department, Civil Secretariat, Jammu.
2. Director, Sheep Husbandry Department, Jammu.
3. Dr. Tariq Maliq C/O Director, Sheep Husbandry Department, Jammu.
4. Dr Niaz-ul-Hassan C/O Director, Sheep Husbandry Department, Jammu.
5. Dr. Sarfraz Ahmad C/O Director, Sheep Husbandry Department, Jammu.
6. Dr. Mohd. Ashraf Baba C/O Director, Sheep Husbandry Department, Jammu.
7. Dr. Mohd. Ashraf Boked C/O Director, Sheep Husbandry Department, Jammu.
8. Dr. Zafar Qazi C/O Director, Sheep Husbandry Department, Jammu.
9. Dr. Romesh Kumar Manhas C/O Director, Sheep Husbandry Department, Jammu.
10. Dr. Jameel Nasir Vachkoo C/O Director, Sheep Husbandry Department, Jammu.
11. Dr. Ramnish Gupta C/O Director, Sheep Husbandry Department, Jammu.
12. Dr. Raj Barinder Singh C/O Director, Sheep Husbandry Department, Jammu.
13. Dr. Tara Chand C/O Director, Sheep Husbandry Department, Jammu.
14. Dr. Zubair Ahmad Kabli C/O Director, Sheep Husbandry Department, Jammu.
15. Dr. Gulam Mohd Kumar C/O Director, Sheep Husbandry Department, Jammu.
16. Dr. Qysheed Hussain C/O Director, Sheep Husbandry Department, Jammu.

17. Dr. Mohd Hyder C/O Director, Sheep Husbandry Department, Jammu.
18. Dr. Sheikh Ishrat C/O Director, Sheep Husbandry Department, Jammu.
19. Dr. Sanjeev Kumar C/O Director, Sheep Husbandry Department, Jammu.

.....Respondents

(Advocate: Mr Rajesh Thapa, D.A.G.)

ORDER
ORAL

Justice L. Narasimha Reddy, Chairman: -

The applicant was initially appointed as Veterinary Assistant Surgeon in 1996. Thereafter, he was promoted to the post of Sheep and Wool Development Officer (SDO) in the year 2014. The applicant contends that in the seniority list as on 01.01.2013, for the post of Veterinary Assistant Surgeon, he was placed at Serial No.68, and the private respondents 3 to 19, figured at Serial Nos.69 to 88. Complaining that he was assigned the duties of lesser position compared to the private respondents, the applicant filed SWP.No.344/2016, before the Hon'ble High Court of Jammu & Kashmir. An interim order directing the posting of the applicant is also said to have been passed. The Government issued an order dated 17.07.2020, transferring and posting certain officers in the Animal/Sheep Husbandry & Fisheries Department. The applicant, who was working as Incharge SDO, Padder, Kishtwar, with additional charge of DSHO, Doda, was transferred as Incharge APO, Bhaderwah/Hiranagar.

2. This OA is filed challenging the order dated 17.07.2020 with multiple prayers. The first prayer is to direct the respondents to formulate the seniority list of the officers in the department and second is to restrain them from making incharge arrangements in favour of the private respondents.

3. The applicant contends that once he is shown as senior, in the seniority list compared to private respondents, there is absolutely no basis for the Government to assign the duties of higher position to the private respondents.

4. On behalf of the official respondents, a detailed reply is filed. It is stated that what is undertaken through the impugned order is only transfer and posting, and no fresh assignment of duties or promotions have taken place. It is also stated that the applicant is working at the place to which he was transferred.

5. Today, we heard Mr Ajay Abrol, learned counsel for the Applicant and Mr.Rajesh Thapa, learned Deputy Advocate General, for the Respondents, in detail.

6. The relief claimed in the OA is two fold. The first is about seniority and the second is about posting of the officers. So far as the first aspect is concerned, it is the subject matter of the SWP.No.344/2016 and the applicant cannot raise the very issue in separate OA. Coming to the second aspect, the department has already passed several orders placing the various officers as incharges of different posts. However, a broad verification of the same discloses that the pay scales and the posts in the hierarchy are properly

maintained. At any rate, the orders appointing the applicant and others on incharge basis to various positions, is not under challenge before this Tribunal. Except that the officers mentioned therein including the applicant are transferred and posted to various places, no fresh assignment of duties was ordered. When everything is being done on an incharge basis and mostly on the grounds of convenience and other administrative factors, one hardly expects any adherence to the strict rules of seniority or promotion etc.,. The applicant has been moved from the post of SDO to Incharge APO.

7. We, therefore, do not find any merit in the OA. The OA is accordingly dismissed. There shall be no order as to costs.

(PRADEEP KUMAR)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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