

**Central Administrative Tribunal  
Jammu Bench, Jammu**



T.A. No.504/2021  
(S.W.P. No.2654/2013)

Tuesday, this the 06<sup>th</sup> day of April, 2021

(Through Video Conferencing)

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

Syed Manzoor Ahmad,  
Age 51 years,  
S/o Syed Noor-ud-Din Andrabi,  
R/o Ratnipora, Pulwama (Kmr).

..Applicant

(None for applicant)

VERSUS

1. State of Jammu and Kashmir through  
Secretary to Government,  
Higher Education Department,  
Civil Secretariat, Jammu/Srinagar.
2. Director Colleges,  
Higher Education Department  
Civil Secretariat,  
Jammu/Srinagar.
3. Principal.  
Degree College for Boys,  
District Pulwama.

..Respondents

(Mr. Rajesh Thappa, Additional Advocate General)



## ORDER (ORAL)

**Justice L. Narasimha Reddy:**

The applicant was initially appointed as Assistant Physical Training Instructor (PTI) in the year 1989 and was working in the Government Degree College, Pulwama. It is stated that the applicant obtained M.P. Ed. Degree in the year 2008 and on that basis, he was promoted on in-charge basis as Physical Education Teacher, through order dated 04.10.2010. Thereafter, it appears that a communication dated 16.09.2013 has been received from the Principal, Government Degree College for Boys, Pulwama. With reference to that, the Under Secretary to Government, Higher Education Department, Srinagar addressed a letter dated 11.10.2013, requesting the Principal to furnish the Post Graduation certificate of the applicant and to stop in-charge allowance with immediate effect, till the authenticity or the genuineness of the certificate is ascertained. The applicant filed SWP No.2654/2013 before the Hon'ble High Court of Jammu & Kashmir, challenging the said letter. It is stated that the impugned letter dated 11.10.2013 is violative of principles of natural justice and there was no jurisdiction for the respondents to issue it.



2. The respondents filed a detailed counter affidavit. It is stated that the certificate obtained by the applicant was found to be not genuine. It is also stated that Bhartiya Shiksha Parishad University, Lucknow (Uttar Pradesh) from where the certificate was obtained by the applicant, was not recognized by the University Grants Commission; and accordingly, it cannot be acted upon.

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.504/2021.

4. Today, there is no representation for the applicant and we heard Mr. Rajesh Thappa, learned Deputy Advocate General; and perused the record.

5. The applicant was only kept as in-charge of the post of Physical Training Instructor and by no means, it was a regular promotion. This was on the basis of the Post Graduate certificate, said to have been obtained by the applicant. Further, except that the Principal, Government Degree College for Boys, Pulwama, was required to furnish the copy of the certificate of the applicant and to stop the in-charge allowance till verification of the



certificate, no right of the applicant was violated therein. The necessity to conduct an inquiry or to issue a notice would arise, if any right of the applicant was affected. Keeping an employee as in-charge of any superior post is entirely at the discretion of the Department and an employee does not have any vested right in that behalf. At any rate, the applicant should not shy away from proving genuineness and correctness of the certificate.

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**

**April 6, 2021**  
/sunil/rk/dsn