

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/796/2021

This the 24th day of May, 2021



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)

HON'BLE MR. ANAND MATHUR, MEMBER (A)

1. Dr. Mubashir Ali, aged about 41 years, S/o Ali Mohammad Rather, R/o Waterhail Budgam, PIN Code 191111. (Seniority Sr. No. 44).
2. Dr. Hilal Ahmad Bhat aged about 39 years S/o Abdul Gani Bhat, R/o Porwara Chadura Pin Code 191113 (Seniority Sr. No. 63).
3. Dr. Qaysar Gani, aged about 40 years, S/o Abdul Gani Wani, R/o Handwara, Kupwara Pin Code 193221 (Seniority Sr. No. 46).
4. Dr. Imran Hamid Shah, aged about 37 years, S/o Abdul Hamid Shah R/o Chanapora Srinagar Pin 190015 (Seniority Sr. No. 51).
5. Dr. Shabir Ahmad Khan, aged about 39 years, S/o Ghulam Mohammad Khan, R/o Eidgah Srinagar Pin Code 190001 (Seniority Sr. No. 41).
6. Dr. Waseem Muzaffar Malik, aged about 39 years, S/o Muzaffar Hussain Malik R/o Chinkipora Sopore Pin Code 192301 (Seniority Sr. No. 40).
7. Dr. Nuzhat Walil, aged about 39 years, D/o Dr. Wali Mohammad Najar, R/o Noor Bagh Sopore Pin Code 193201 (Seniority Sr. No.56).
8. Dr. Bilal Banday, aged about 37 years, S/o Mohammad Maqbool, R/o Baramulla Pin Code 193101 (Seniority Sr. No. 60).
9. Dr. Nusrat Anjum aged about 40 years, D/o Bashir Ahmad Wani, R/o Ompora Budgam Pin Code 191111 (Seniority Sr. No. 42).
10. Dr. Firdous Ahmad Bhat, aged about 40 years, S/o Mohd. Shaban Bhat, R/o Kandizal Pampore, Pin Code 192121 (Seniority Sr. No. 65)
11. Dr. Bashrat Ahmad Ganie, aged about 38 years, S/o Azad Gh. Mohi ud din, R/o Tahab Pulwama Pin Code 192301 (Seniority Sr. No. 55).
12. Dr. Abdul Majid Kisana, aged about 39 years, S/o Mohammad Yousuf, R/o Lowermunda Qazigund, Pin Code 192212 .(Seniority Sr. No. 47)

.....Applicants

(Advocate: Mr. Syed Sajad Geelani)

Versus

1. UT of Jammu and Kashmir through Principal Secretary to Government Animal and Sheep Husbandry Civil Secretariat, Srinagar 190001.
2. Director Sheep Husbandry, Department Kashmir Srinagar, 190008.
3. Dr. Faisal Nazir S/o Dr. Nazir Ahmad Malik R/o Mohalla Teliyan Armapora, Sopore, Pin Code 193201.

4. Dr. Asif Alil Ganie, S/o Ali Mohd. Ganie, R/o Dialgam, Opposite GMC Anantnag Pin Code 192210.
(Res 3 and 4 C/o Director Sheep Husbandry Department Kashmir Sringar).

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G./Mr. Rajesh Thapa, learned D.A.G.)



ORDER
ORAL

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The applicants and the private respondents herein were appointed by the respondents as Veterinary Assistant Surgeon (VAS). The applicants and private respondents were promoted on Incharge basis as Sheep Development Officers (SDO) vide Govt Order No. 06-ASH of 2021 dated 07.01.2021 which is feeding cadre for the post of Assistant Director. The Private Respondent No. 4 while posted as VAS, Verinag was reported negligent towards his duties by the Director (Finance) of the Department. The Respondent No. 1 perhaps keeping the said position in mind and also perhaps taking note of the seniority position of Private Respondent No. 4 deleted his name from the list of SDO's vide order dated 14.01.2021 and as such the Private Respondent No. 4 is still working as VAS. The applicants and others came to be posted after being placed as SDO's w.e.f., 18.01.2021 vide Govt. Order No. 13-ASH of 2021. However, to the utter surprise of the applicants, vide Government Order No.:- 71-ASH of 2021 dated 28.04.2021, the applicants who are figuring at Sl. No. 40, 41, 42 in the seniority list have been left out and Private Respondent No. 3 who figures at Sl. No. 43 has been posted as Assistant Director (AD) Farms and candidates who are SDO's i.e., feeding cadre for the AD post figuring at S. No. 44-65 in the seniority list have been left out and Private Respondent no. 4 who is only a VAS and not even SDO has been posted as Assistant Director. They have been promoted under the garb of transfer and posted on the higher post of Assistant Director when they are not even eligible for the same by giving them out of turn promotion without following seniority by virtue of impugned order. The applicants filed a representation dated 29.04.2021, however, no action has been taken on the said representation. Hence, the present O.A.

3. Learned counsel for the applicants submits that the applicants would be satisfied, if a direction is issued to the respondents to take a decision on the representation dated 29.04.2021 (Annexure No. A-7 to the O.A.) by passing a reasoned and speaking order within a stipulated time frame.



4. We have heard Mr. Syed Sajad Geelani, learned counsel for the applicants and Mr. Amit Gupta, learned A.A.G. and Mr. Rajesh Thappa, learned D.A.G. for the respondents and perused the records.

5. In view of the limited prayer made by the learned counsel for the applicant, we dispose of the O.A. with direction to the respondents to consider and take a decision on the representation dated 29.04.2021 (Annexure No. A-7 to the O.A.) by passing a reasoned and speaking order within a period of two weeks from today. Till then, the impugned order would not be acted upon, if the applicants have been superseded by employees who are junior to them.

6. Learned A.A.G. would inform the respondents regarding the order passed today.

7. It is made clear that we have not entered into the merits of the case.

8. No order as to cost.

(ANAND MATHUR)
MEMBER (A)
Arun

(RAKESH SAGAR JAIN)
MEMBER (J)