

Item No. 9



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5742/2021
(SWP No. 549/2011)

Monday, this the 5th day of July, 2021

(Through Video Conferencing)

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

1. Ramesh Kumar, Aged 32 years
S/o Krishan Lal
R/o Kulhand, Tehsil and District Doda.
2. Ajit Kumar, Aged 29 years
S/o Daulat Ram
R/o Banjar Korra, Prem Nagar, Doda.

...Applicants

(Nemo for applicants)

VERSUS

1. State of Jammu and Kashmir
Through Commissioner/Secretary to Govt.
Civil Secretariat, Jammu/Srinagar.
2. Director General of Police
J&K, Jammu.
3. Inspector General of Police
Jammu Zone, Jammu.
4. Senior Superintendent of Police
Doda.

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants were working as Constables in the Jammu & Kashmir Police in the year 2007. It is stated that the applicants took part in the anti-militancy operations on several occasions and were instrumental in eliminating some of the dreaded terrorists. It is stated that in the team, there were also Special Police Officers (SPOs); and the officers of the team recommended the cases of the applicants for out of turn promotion and those of the SPOs for absorption, but the SPOs alone, were extended the benefit.

2. At one stage, the applicants filed SWP No.1750/2009 before the Hon'ble High Court of Jammu & Kashmir in this behalf. That was disposed of on 10.11.2009 with a direction to the respondents to consider the cases of the applicants and to pass orders thereon. Stating to be in compliance of the said order, the Director General of Police passed an order dated 07.04.2009 rejecting the claim of the applicants. It was mentioned that the Inspector General of Police, Jammu while examining the recommendation of the Deputy Inspector General of Police,

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found that there was nothing extraordinary on the part of the applicants, warranting out of turn promotion. The same is challenged in this SWP.

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.5742/2021.

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

5. The applicants claimed the benefit of out of turn promotion, on account of their participation in anti militant operations. It is true that there are several instances of the participants in such operations, being extended the benefit of out of turn promotion. Much, however, would depend upon the nature of participation and recognition thereof by the superiors. In the instant case, though the Deputy Inspector General of Police recommended such a benefit, the next higher authority, i.e., Inspector General of Police found nothing extraordinary on the part of the applicants. These are the issues, which are purely in the realm of administrative consideration. The Tribunal cannot record any finding in this behalf.

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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) (Justice L. Narasimha Reddy)
Member (A) Chairman

July 5, 2021
/sunil/jyoti/vb/