

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/834/2021

This the 27th day of May 2021

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)**



1. Abdul Majid Kar, Aged 59 years, Son of Abdul Ahad Kar, Resident of Baramulla-193101.
2. Abdul Hamid Dar, Aged 52 years, Son of Ghulam Qadir Dar, Resident of Baramulla-193101.
3. Pirzada Abdul Qayoom Aged 54 years, Son of Pirzada Shams-ud-Din, Resident of Ladoora Baramulla-193101.
4. Sheikh Abdul Roup, Aged 42 years, Son of Ghulam Mohd Sheikh, Resident of Gulabad Sopore-193201.
5. Mehboob Bano, Aged 47 years, Wife of Fayaz Ahmad Dar, Resident of Model Town D Sopore-193201.
6. Ajaz Ahmad Saraf Aged 5 years, Son of Ghulam Rasool Saraf, Resident of Baramulla.
7. Mushtaq Ahmad War Aged 37 years, Son of Ghulam Mohammad War, Resident of Uri Baramulla-193123.
8. Hakim Sajid Jalal Aged 48 years, Son of Hakim Jalal-ud-Din Resident of Baramulla-193101.
9. Naseer Ahmad Dar Aged Son of Ghulam Mohammad Dar, Muslimpeer Sopore-193201.

.....Applicants

(Advocate:- Mr. M Y Bhat, Sr. Advocate assisted by Mr. Sofi)

Versus

1. Union Territory of Jammu & Kashmir through Commissioner-cum-Secretary to Government, Cooperative Department, J&K Srinagar-190001.
2. Registrar Cooperatives Societies, Srinagar, Kashmir-190001.
3. Additional Registrar Cooperatives Societies, Srinagar-190001.
4. Deputy Registrar/District Audit Officer, Cooperatives Societies, Baramulla/Bandipora-193502/193101.
5. Assistant Registrar, Cooperatives Societies Block, Bandipora-193502.
6. Mr. Rashid Iqbal Mir, S/o Mohd Iqbal Mir, R/o Bandipora-193502.

.....Respondents

(Advocate: Mr. Sudesh Magotra, learned D.A.G.)

O R D E R
[O R A L]

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



The case of the applicants is that they are working in respondent department as Junior Supervisors which is a district cadre post and are allegedly facing stagnation as no promotion has been granted to the applicants since their appointment in the department. The respondents settled the final seniority list of the applicants including the Private Respondent no. 06 in terms of the order dated 12.02.2019. Private respondent figuring at serial no. 18 came to be promoted out of turn without considering the fact that the applicants are eligible and senior members of the cadre. Therefore, applicants approached the respondents seeking recall of illegal promotion of private respondent who is junior to them, in terms of the DPC decision without assigning any reason and justification, however, no action was taken by the respondents. It has been submitted that due to archaic rules and prolonged stagnation of the employees including the applicants, promotions to the next higher posts has been denied despite there being availability of highly qualified employees in the department. The applicants also preferred a representation dated 08.09.2020 (Annexure No. X to the O.A.) to the respondents stating all their grievances, however, no action has been taken by the respondents on the same till date.

2. 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 their pending representation by passing reasoned and speaking order within a stipulated time frame.

3. We have heard Mr. M Y Bhat, Sr. Advocate assisted by Mr. Sofi, learned counsel for the applicants and Mr. Sudesh Magotra, learned D.A.G. for the respondents and perused the records.



4. Looking to the limited prayer made by the learned counsel for the applicants, we dispose of the O.A. with direction to Respondent No. 2 i.e., Registrar Cooperatives Societies, Srinagar to take a decision on the representation dated 08.09.2020 preferred by the applicants by passing a reasoned and speaking order and communicate the decision so taken to the applicants within a period of six weeks from the date of receipt of certified copy of this order.

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

6. There shall be no orders as to cost.

(ANAND MATHUR)
MEMBER (A)

Manish/Shashi/Arun

(RAKESH SAGAR JAIN)
MEMBER (J)