

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.5075/2020
S.W.P. No.605/2015

Thursday, this the 18th day of March, 2021

(Through Video Conferencing)

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

1. Skarma Angmo, Age 48 years
D/o Sonam Gyaltsan
R/o Choglmsar, Leh
2. Kunzang Angmo, Age 47 years
D/o Tsewang
R/o Dubbar, Leh.

..Applicants

(Nemo for the applicants)

VERSUS

1. State of J&K through Commr./Secy to Govt. Animal & Sheep Husbandry and Veterinary Science Department Civil Secretariat Srinagar/Jammu.
2. Director Animal Husbandry, Red Cross Road, Srinagar.
3. Director Sheep Husbandry, Lal Mandi, Srinagar.
4. Deputy Commissioner/CEO LAHDC, Leh.
5. Chief Animal Husbandry Officer, Leh
6. Disease Investigation Officer, Leh.
7. Officer In-charge Stock Assistant Training Institute, Leh.
8. Stanzin Yarphel, S/o Tsering Namgyal, R/o Taru leh.
9. Tsering Landol, S/o Sonam Rigzan R/o Nobra Leh.
10. Stanzin Dorjay, S/o Sonam Dorzay, R/o Nobra Leh
11. Yangzin Dolma D/o Tagring Tunktok
R/o Laydo, Leh.

..Respondents

(Mr. Sudesh Magotra, Dy. Advocate General)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicants are working as Class IV employees in the Animal & Sheep Husbandry Department since 1983 and 2009, respectively. It is stated that the Department conducts a training for such employees and though they figured at Sl. Nos. 16 & 78 respectively, in the seniority list maintained for the purpose, the respondents are not sending them for training on the ground that they did not clear the test, contemplated under Circular dated 10.12.2015. The applicants contend that the proposed steps are contrary to law and they cannot be denied the training. Feeling aggrieved, they filed SWP No. 605/2015 before the Hon'ble High Court of Jammu & Kashmir, challenging the circular dated 10.12.2015 and claiming various ancillary reliefs.

2. The record discloses that the respondents did not file any counter affidavit.
3. The SWP has since been transferred to the Tribunal in view of the re-organization of the State of Jammu & Kashmir and re-numbered as TA No. 5075/2020.
4. Today, there is no representation for the applicants and we heard Mr. Sudesh Magotra, learned Deputy Advocate General and perused the pleadings.



5. A perusal of the circular discloses that the Department wanted to conduct a screening test for selection of the candidates for training. It was also made clear that in case any candidate is not successful in the test, he shall be entitled to reappear in the next test. As a measure of precaution, the respondents made it clear that the conducting of test or the result thereof would not have any bearing on the seniority and the promotion would take place strictly in accordance with the seniority.

6. The respondents are entitled to evolve their own procedure for the purpose of imparting training or making promotions. The applicants can be said to have suffered any grievance, if only anyone junior to them was promoted, before they are promoted. The imparting of training to the juniors on the basis of the performance in the test would not affect the applicants in any manner whatever. Nearly 6 years have elapsed and it is not known as to what the present state of affairs is.

7. We do not find any merit in the TA. It is accordingly dismissed. We make it clear that if the promotions take place overlooking the seniority of the applicants, it shall be open to them to pursue the remedies. No costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 18, 2021
/sunil/jyogi/vb/ankit/