



(Reserved)

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. 62/995/2021

Pronounced on: This the 13th day of July 2021

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

1. Irfan Illahi Lone, Age 37 years, S/o Ghulam Mohi-ud-Din Lone, R/o Molu Dangerpora Shopian.
2. Samia Akhter, Age 35 years, D/o Mohammad Ibrahim Ganai, R/o Sarnal Bala KP Road, Rehmat Aalam Colony, Anantnag.

.....Applicants

(Advocate: Mr. Bhat Fayaz Ahmad)

Versus

1. Union Territory of J&K through Commissioner/Secretary to Government, Health and Medical Education Department, Civil Sectt. Srinagar/Jammu-180001.
2. Principal Government Medical College, Srinagar-190001.
3. Chairman, Service Selection Board, Srinagar-190001.

.....Respondents

(Advocate: Mr. Rajesh Thappa, learned D.A.G.)

(ORDER)

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

Learned counsel for the applicants states that the applicants are aggrieved by the advertisement notice no. 02 of 2021 dated 26.03.2021 by virtue of which the promotional posts of Social Worker meant for



promotional quota have been put to advertisement notice in terms of Item No. 204 of the said advertisement. The applicants submitted their application for appointment against the post of Social Worker under promotional quota. In terms of seniority position also, the applicants are due for promotions under the promotional quota and after completing the formalities the applicants were expecting that their promotions would be considered but instead of implementing the recruitment rules, the respondents have advertised all the 08 posts of Social Worker and intend to fill all of them through direct recruitment only. He further contends that the prescribed percentage of post earmarked for promotional quota is 25% and the balance 75% is to be filled by direct recruitment from open market. However, the respondents have advertised all the 08 posts to be filled through direct recruitment vide advertisement no. 02 of 2021 dated 26.03.2021 issued by Jammu & Kashmir Service Selection Board. Item No. 204 of the said advertisement notice is relevant which clearly shows that all the eight posts are to be filled solely by direct recruitment. The applicants have been repeatedly representing to the respondents but no reply has been yet received from them.

2. Learned D.A.G. vehemently opposes the stand taken by the learned counsel for the applicants and states that this O.A. is premature because the advertisement is yet to be issued.



3. Learned counsel for the applicants clarifies that learned D.A.G. is unaware of the fact that recruitment notification has already been issued on 26.03.2021, wherein 08 posts of Social Workers/Medical Social Workers (Level-6) have already been advertised. He further states that although the facts are crystal clear that all the 08 posts of Social Workers/Medical Social Workers have been advertised which clearly indicates that the post will not be filled by promotional quota, yet learned D.A.G. is insisting that no advertisement has been issued.

4. Learned counsel for the applicants further states that the applicants will be satisfied, if a direction is given to the respondents to consider the case of the applicants against 25% promotional quota meant for them and fill up the remaining posts through Direct Recruitment from Open Market.

5. We have heard Mr. Bhat Fayaz Ahmad, learned counsel for the applicants and Mr. Rajesh Thappa, learned D.A.G. for the respondents and perused the records.



6. Looking to the limited prayer made by the learned counsel for the applicants, we dispose of the O.A. with direction to the respondents to consider the case of the applicants for promotion against the post of Social Worker in terms of promotional quota meant for them strictly in order of seniority and to keep two posts earmarked for the applicants. The Item No. 204 of the advertisement notice no. 02 of 2021 issued on 26.03.2021 may be suitably modified so as to reserve two posts for the consideration of the applicants for promotion and balance six may be filled by way of direct recruitment.

7. No order as to costs.

(ANAND MATHUR)
MEMBER (A)

Arun/-

(RAKESH SAGAR JAIN)
MEMBER (J)