

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/1073/2021

This the 22nd day of July 2021

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



1. Mohd Maqbool Kuchay, S/o Mohd Ashoor Kuchay, R/o Bemina, Srinagar.
2. Ab. Hamid Wani, S/o Ali Mohd Wani, R/o litter Pulwama.
3. Manzoor Ahmad Sheikh, S/o Assad sheikh, R/o Koolipora, Khanyan, Srinagar.
4. Mohd Ashraf Wani, S/o Wali Mohd Wani, R/o Babhar, Pulwama.
5. Mohd Yousuf Mir, S/o Mohd Shaban Mir, R/o Gundipora, Pulwama.
6. Fayaz Ahmad Koul, S/o Mohd Akbar Koul, R/o Bulbullanker, Srinagar.
7. Nazir Ahmad Thoker, S/o Gh. Mohd Thoker, R/o Sheerabad, Tral.
8. Manzoor Ahmed Bhat, S/o Gh. Mohd Bhat, R/o Hatiwara, lethpora, Pulwama.

.....Applicants

(Advocate:- Mr. F A Bhat)

Versus

1. U.T. of Jammu and Kashmir through Commissioner Secretary to Govt. Jal Shakthi (Irrigation & Flood Control) Department Civil Secretariat Srinagar/Jammu-190001.
2. Chief Engineer Jal Shakthi (Irrigation & Flood Control) Department, Srinagar-190001.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

**ORDER
[ORAL]**

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

The applicants were appointed as Junior Assistants in the year 1991 and worked on the same post for almost 18 years till 2009 when the applicants were promoted as



Senior Assistant. Thereafter, respondent department in 2017 issued a tentative seniority list in which applicants figure between Sl. No. 25 to 36 and the department had already promoted employees figuring upto Sl. No. 24 to the next higher post available, thus making the applicant senior most senior assistants of the department, the applicants were due for next higher promotion of Head Assistant in the year 2020, and accordingly, applicants applied for promotion and respondent department sought the vigilance clearance of the applicant which was provided to them by the concerned department, but the department is reluctant to make the promotions after all formalities were done, applicants are working on the said post of Sr. Assistant for almost 12 years which amounts to stagnation. The applicants also submitted various representations to the respondents, but the respondents have not taken any action on the same. Hence, the present O.A.

2. We have heard Mr. F A Bhat, learned counsel for the applicants and Mr. Amit Gupta, learned A.A.G. for the respondents and perused the records.

3. Looking to the limited prayer made by the learned counsel for the applicants, the O.A. is disposed of with direction to the respondents to take a decision on the representation (Annexure No. A-5 to the O.A.) by passing a reasoned and speaking order within a period of one month from today. Till a decision is taken on the representation, the respondents will not make any promotion to the post of Head Assistant.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Arun...