

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.827/2021
S.W.P. No.924/2011

Tuesday, this the 30th day of March, 2021

(Through Video Conferencing)

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

Ghulam Hassan Khan
S/o Mohammad Maqsood Khan
R/o Watapora Bandipora
Age (53 years).

..Applicant

(*Nemo* for applicant)

VERSUS

1. State of J&K through Commissioner/Secretary
Home Jammu/Srinagar.
2. Director General J&K Police
Jammu/Srinagar.
3. Inspector General of Police
Kashmir Range
4. DIG, Kashmir Range
5. SSP Baramulla

...Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicant was appointed as a Constable in the Jammu & Kashmir Police in the year 1978. The batch-mates of the applicant were promoted as Selection Grade Constable. However, the applicant was left out. He contends that no reasons were communicated to him in this behalf. He was promoted as Selection Grade Constable prospectively, through order dated 10.05.1990. The Constables, who were promoted as Selection Grade Constables in the 1986, were further promoted to the post of Head Constable in the year 1997 and thereafter as Assistant Sub Inspector in the year 2007. At a later stage, the applicant was promoted as Head Constable and in the year 2007, he was promoted to the rank of Assistant Sub Inspector.

2. In the tentative seniority list of Selection Grade Constables dated 01.11.2001, the name of the applicant did not figure. He filed SWP No.924/2011 before the Hon'ble High Court of Jammu & Kashmir with a prayer to treat the promotion to the post of Selection Grade Constable w.e.f. 14.05.1986 and to extend him all the consequential benefits.

3. The applicant pleaded that there was absolutely no basis for the respondents in denying him the promotion as Selection Grade Constable when his batch-mates were promoted.

4. On behalf of the respondents, a detailed counter affidavit is filed. The applicant was considered for promotion as Selection Grade Constable in the year 1986, but as against the required merit of 15 marks, he secured only 13 marks; and accordingly, he was not promoted.



5. 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.827/2021.

6. Today, there is no representation for the applicant and we heard Mr. Rajesh Thappa, learned Deputy Advocate General; and perused the records.

7. The appointment of the applicant as Constable was in the year 1978, along with others. The promotion to Selection Grade Constable took place in the year 1986. The applicant was left out even while his batch-mates were promoted. If he felt aggrieved by denial of promotion, he was supposed to work out the remedies at the relevant point of time. The record does not disclose that the applicant took any steps. He was promoted as Head Constable only in the year 1997. Once his promotion was

delayed, he missed the promotion to the posts of Head Constable and Assistant Sub Inspector when his batch-mates got them.



8. The respondents have categorically stated in the counter affidavit that the denial of promotion to the applicant to the Selection Grade Constable in the year 1986, was on account of the fact that he secured only 13 marks as against the stipulated marks of 15. This is not a case in which the applicant was not considered at all. The denial of promotion was on account of his poor merit. Therefore, the question of promotion of the applicant as Selection Grade Constable, being treated from the year 1986, does not arise. Once that is not possible, the question of granting any consequential relief would not arise.

9. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 30, 2021
/lg/sunil/vb/ankit/