

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No. 6036/2020
(S.W.P. No.847/2018)

Wednesday, this the 28th day of April, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Fayaz Ahmad Khan (Age : 60 years)
S/o. Late GhulamNabi Khan,
R/o. Baranpather, Batamaloo, Srinagar

.. Applicant

(*Nemo* for applicant)

Versus

1. State of Jammu and Kashmir through Commissioner/Secretary to Government, Home Department, Civil Secretariat, Srinagar/Jammu.
2. Director General of Police, Police Hqrs. Jammu/Srinagar.
3. Commandant JKAP 6th Battalion, Zewan, Srinagar.
4. Accountant General, J&K, Jammu/Srinagar.

.. Respondents
(Mr. Amit Gupta, Additional Advocate General and Mr. Raghu Mehta, senior CGSC)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicant retired from service of Jammu & Kashmir as Head Constable. Earlier, he was dismissed from service as Constable and the order of dismissal was set aside by the Hon'ble High Court of Jammu & Kashmir. In the context of promotion to the post of Selection Grade Constable and Head Constable, he filed SWPs at various stages. Ultimately, he was promoted to the Selection Grade Constable w.e.f. 01.01.2007, and to the post of Head Constable w.e.f. 23.12.2011. It appears that the respondents did not release the pension immediately on the retirement of the applicant. He filed SWP No.847/2018 before the Hon'ble High Court of Jammu & Kashmir with a prayer to set aside the order dated 18.11.2010 passed by the respondents and to release the pension and treat his promotion to the post of Head Constable with effect from an early date.

2. The applicant contends that once he was reinstated into service, he was entitled to be extended all the benefits on par with his batch-mates.



3. The respondents filed a detailed counter affidavit. It is stated that the promotion to the post of Head Constable is on the basis of the selection and the Departmental Promotion Committee found him fit to be promoted only in the year 2010.
4. 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.6036/2020.
5. Today, there is no representation for the applicant and we heard Mr. Amit Gupta, learned Additional Advocate General and Mr. Raghu Mehta, learned senior CGSC; and perused the record. They submit that the pension of the applicant has since been released.
6. The grievance of the applicant is twofold. First is about sanction of pension and the second is about the effective date of his promotion. So far as the first aspect is concerned, the grievance stood addressed during the pendency of the proceedings, since the respondents have released the pension.
7. Coming to the second aspect, the issue regarding his promotion to the post of Head Constable was subject matter of several SWPs and the Hon'ble High Court did not grant any

relief. The applicant cannot repeat the same grievance. Therefore, we are not inclined to grant any relief as regards the promotion to the post of Head Constable.



8. The T.A. is accordingly closed, taking note of the fact that the applicant has already been sanctioned pension. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 28, 2021
/sunil/maya/dsn/