

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.6045/2020
(S.W.P. No.1032/2011)

Tuesday, this the 27thday of April, 2021

(Through Video Conferencing)

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

- 1. Sabeena Akther 36 years
d/o Bashir Ahmad Bhat
r/o Barzulla Srinagar Kashmir
- 2. Naseema Akhter, 39 years
s/o late Gh. Nabi Mir
r/o Safakadal Srinagar Kashmir

..Applicants

(Nemo for applicants)

VERSUS

- 1. State of J&K through Commissioner/Secretary to Government, Revenue Department, Civil Secretariat, Jammu/Srinagar
- 2. Divisional Commissioner Kashmir Srinagar Kashmir
- 3. Additional Commissioner Kashmir Srinagar Kashmir
- 4. Viqarul Nisa (Orderly)
c/o Office of Divisional Commissioner Kashmir, Srinagar

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicants are working as Orderlies in the Office of the Divisional Commissioner, Kashmir, Srinagar. There is an avenue of promotion from Orderly to the post of Junior Assistant. On 10.05.2011, the Department promoted the respondent No.4 as Junior Assistant. The applicants contend that the respondent No.4 is far junior to them and there was absolutely no basis for ignoring their cases. They made a representation ventilating their grievance. Through a communication dated 10.05.2011, the Additional Commissioner, Kashmir rejected the claim of the applicants by stating that there was no caderisation as such. They filed SWP No.1032/2011 before the Hon'ble High Court of Jammu & Kashmir, challenging the communication dated 10.05.2011 and the order of promotion of respondent No.4. The applicants contend that they are senior to the respondent No.4 and they ought to have been promoted.

2. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.6045/2020

3. Today, there is no representation for the applicants and we heard Mr. Rajesh Thappa, learned Deputy Advocate General. He

submits that the applicants are promoted to the post of Junior Assistant.



4. Mr. Rajesh Thappa, learned Deputy Advocate General submits that the applicants have been promoted to the post of Junior Assistant on 26.02.2021. The respondents state there was no caderization of the post and obviously for that reason, the seniority list was not maintained. The circumstances under which the respondent No.4 was promoted in the year 2009 are not immediately before us. Be that as it may, the grievance of the applicants stood redressed on their being promoted to the post of Junior Assistant in February 2021.

5. The T.A. is accordingly closed as infructuous. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 27, 2021
/sunil/jyoti/sd/