



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.6396/2020
(SWP No. 318/2005)

Monday, this the 22ndday of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Ghulam Mohammad Zahid, Age 56 years,
S/ Abdul Aziz, R/o Roshangar Mohalla, Nowhatta,
Srinagar, Presently posted as Deputy Director,
Libraries and Research, Srinagar.

...Applicant
(Mr. M.A.Qayoom, Advocate)

Versus

1. State of J & K through Chief Secretary,
Civil Secretariat, Srinagar/Jammu.
2. Commissioner/Secretary to Government,
General Administration Department,
Civil Secretariat, Srinagar/Jammu.
3. Shri A.G.Rather, Dy. Director Information (Retd.)
R/o Khanyar, Srinagar.
4. Shri G.M.Banday, Addl. Dy. Commissioner, Sgr (Retd.)
R/o Hazratbal, Srinagar.
5. Showkt Ahmad, Addl. Secretary to Govt. Forest Deptt.,
Civil Sectt. Sgr/Jammu.

... Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was selected and appointed as Information Officer in the Government of Jammu & Kashmir in the year 1980. Thereafter he occupied several posts, such as Under Secretary (Parliamentary Affairs), New Delhi, under the control of Resident Commissioner, J&K Government, on adhoc basis, Press Officer in the Chief Minister's Secretariat, and Trade Agent, at Bombay.

2. It is stated that the applicant was put in the pay scale of Kashmir Administrative Service (KAS), through an order dated 05.08.1983. His grievance is that though he is put in the pay scale of KAS, he was not inducted into the Service. He filed the SWP.No.318/2005, for a direction to the respondents to appoint him to the Administrative Service w.e.f. 05.08.1983, or, in the alternative, to direct the respondents to induct him into service w.e.f.23.09.1997, the date on which his juniors were inducted, and for other consequential benefits.

3. The applicant contends that the very purpose of stipulating the scale for KAS is to enable the members to place

in the cadre and a serious lapse has taken place in that behalf in his case. He further submits that several juniors were inducted to KAS on 23.09.1997, whereas he was inducted on 14.01.2005.

4. Respondents filed a detailed reply. It is stated that mere placing an officer in particular scale does not enable him to put him in any service, simply because there exists an equivalent scale. It is further stated that when the batch mates of the applicant became ripe for consideration for induction into KAS, he faced disciplinary proceedings and was also imposed punishment.

6. The SWP has since been transferred to this Tribunal in view of reorganization of the State of Jammu and Kashmir, and renumbered as TA.No.6396 of 2020.

7. We heard M.A.Qayoom, learned counsel for the applicant and Mr.Rajesh Thapa, learned Deputy Advocate General, for the Respondents.

8. The applicant seeks the relief in the form of induction into KAS from the year 1983 or at least 1997. The first part of the relief is on the ground that he was put in the pay scale of KAS. The scale of pay on the one hand and posting in particular service on the other hand, are totally different issues. Each service has its own method of induction and it can take

place in accordance with the prescribed procedure. The mere fact that the applicant was placed in a scale which is equivalent to KAS, does not endow him, with the right to be inducted in the KAS.

9. The second limb of the prayer is to direct the respondents to induct the applicant into KAS at least from 23.09.1997, when his juniors were promoted. Here, again the applicant is on a weak footing. At the relevant point of time, he faced disciplinary proceedings and punishment was also imposed debarring him for promotion for a period of five years. The order of punishment became final and was in operation, and the respondents cannot consider his case for promotion/induction into KAS, in the teeth of punishment. The applicant has since retired from service. Nothing remains to be decided at this stage.

10. The TA is accordingly dismissed. There shall be no order as to costs.


(Pradeep Kumar)
Member (A)


(Justice L. Narasimha Reddy)
Chairman