



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 8136/2020
(SWP No.1709/1999)

This, the 25th day of January, 2021

(Through Video Conferencing)

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

1. Feroz Ahmed Najar,
S/o Gh. Mohammad Najar,
Hom No. 281/MEC,
R/o Dhobi Mohalla, Batmaloo,
Srinagar,
Age 33 years.
2. Ghulam Hassan Ganai,
S/o Hussain Ganai,
Hom No. 280/MEC,
R/o Wahabpora, Tehsiol and Distt. Budgam, Kashmir,
Age 34 years.

... Applicants

(None for applicants)

Versus

1. State of Jammu and Kashmir,
Through Home Secretary,
Govt. of Jammu and Kashmir,
Srinagar.
2. Director General of Police,
Police Head Quarters,
Jammu and Kashmir,
Srinagar.
3. Addl. D.G.P.,
Head Quarters,
PHQ, J& K, Srinagar.
4. Inspector General of Police,
Head quarter PHQ,
Srinagar.



5. HOM Mohammad Yaseen,
Kadoo No. 283 M.
6. HOM Ghulam Mohammad,
No. 284 M.
7. Fayaz Ahmad HCM, 285 M.
8. HOM Abdul Rashid,
9. HOM Mansoor Ahmed, 288 M.
10. HQM Varinder Singh, 289 M.
11. HQM Satpal Singh, 291 M.
12. HQM Narinder Singh, 292 M.
13. HQM Bodh Raj, 293 M.
14. HQM Madan Lal, 297 M.
15. HQM. Manzoor Ahmad, 295 M.
16. HQM, Triloki Nath, 296 M.
17. HQM Ghulam Nabi, 298 M.
18. HQM Raman Kumar, 299 M.
19. HQM. Mohammad Saleem Sofi, 300 M.
20. Bashir Ahmad Magray HQM. 302 M.
21. HQM Ghulam Mohi Ud din Malla, 303 M.
22. HQM Gh. Nabi Dar, 304 M.
23. HQM Abdul Hamid Teeli, 305 M.
24. HQM Ashwani Kumar, 306 M.
25. Mohammad Amin Lone HQM, 308 M.
26. HQM kirtan Bushan, 309 M.
27. HQM Bunti Kumari, 310 M.

... Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants were appointed as Constables in the Jammu & Kashmir Police in the year 1987. They were also upgraded as Head Constables, on acquisition of the graduation qualification, in the year 1995. The administration promoted quite large number of Head Constables to the post of Assistant Sub Inspector (ASI) through order dated 13.10.1999. The applicants contend that several persons who figured as juniors in the

proceedings dated 06.04.1995 were promoted, whereas they were denied promotion.

2. The applicants filed SWP No.1079/1999 before the Hon'ble High Court of Jammu & Kashmir challenging the orders of promotion of respondents 5 to 27 mostly on the ground that their seniority was overruled.



3. The official respondents filed a detailed counter affidavit. It is admitted that the applicants were upgraded as Head Constables on acquisition of the graduation degree. However, it is stated that the applicants did not clear the test conducted by the Departmental Promotion Committee for promotion to the post of ASI, and accordingly they were not promoted.

4. In the rejoinder, the applicants concentrated mostly on their merit. They tried to find fault with the procedure adopted by the DPC.

5. Twenty two years after the SWP was presented, we are taking it up for hearing. The sad part of it is that there is no representation on behalf of the applicants and the record of the High Court discloses that it was dismissed in default on certain occasions.

6. Today, we heard Shri Sudesh Mangotra, learned Deputy Advocate General and perused the record.

7. The applicants felt aggrieved with the denial of promotion to the post of ASI. It was not on the basis of seniority alone. A DPC was constituted and that, in turn, conducted the

examination. In case the applicants had any grievance about the conducting of examination they were supposed to resist that attempt at the relevant point of time. Having taken part in the process, they cannot challenge the selection when they were not successful therein. Further, the DPC has its own discretion to adopt the procedure to select the candidates. More than two decades have elapsed since the selection has taken place and several ASIs have retired, by this time.



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

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/pj/sunil/vb/ankit