

Item No. 6



# Central Administrative Tribunal

## Jammu Bench, Jammu

T.A. No.8138/2020  
(SWP No.668/2015)

36

Wednesday, this the 24<sup>th</sup> day of March, 2021

(Through Video Conferencing)

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

Gulshan Ahmad  
S/o. S. R. Paul  
R/o. Chanapora, Srinagar  
Age : 46 years

..Applicant  
(Mr. M Y Parray, Advocate)

Versus

1. State of J&K through Principal Secretary to Govt. PHE/I&FC Department, Civil Sectt. Srinagar/Jammu.
2. Chief Engineer Hydraulic Wing/R&B, Srinagar.
3. Executive Engineer Lake Division, No. 1<sup>st</sup>, LDA, Srinagar.

..Respondents  
(Mr. Sudesh Magotra, Deputy Advocate General)

### ORDER (ORAL)

**Mr. Justice L. Narasimha Reddy:**

The applicant was promoted to the post of Assistant Executive Engineer (Civil) in Hydraulic Wing, R&B, Srinagar,



through order dated 17.11.2014. According to him, the promotion ought to have been made w.e.f. 10.10.2013, on which date, about 42 In-charge Assistant Executive Engineers in the PHE/I&FC Department were promoted. He filed SWP No.668/2015 before the Hon'ble High Court of Jammu & Kashmir with a prayer to direct the respondents to treat his promotion w.e.f. 10.10.2013. The Hon'ble High Court passed an interim order dated 10.04.2015 directing the respondent No.1 to release the salary of the applicant.

2. The SWP has since been transferred to this Tribunal in view of re-organization of the State of Jammu and renumbered as T.A. No.8138/2020.

3. Today, we heard Mr. M Y Parray, learned counsel for applicant and Mr. Sudesh Magotra, learned Additional Advocate General.

4. The applicant was promoted in the year 2014. However, he wants the promotion to be treated w.e.f. 10.10.2013. The T.A. is not clear as to the basis of such a plea. The applicant can make a representation providing the factual and legal basis for his claim. In such an event, the respondents can pass orders on the representation, duly verifying the record.

5. The seniority would be another issue. If the applicant is to be treated as having been promoted with effect from the earlier

date, it would impact on the seniority of others, and in such a case, notice needs to be given to the affected persons.

6. We, therefore, dispose of the T.A., leaving it open to the applicant to make a representation to the concerned authority, ventilating his grievance. The representation, in turn, shall be disposed of within a period of three months from the date of receipt of a copy of this order. We, however, make it clear that in case granting of relief to the applicant would have any impact on others, it shall become necessary to issue notices to them.

There shall be no order as to costs.



**( Mohu. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**March 24, 2021**  
**/sunil/vb/ankit/**