



**Central Administrative Tribunal
Jammu Bench, Jammu**

**TA No. 8595/2020
SWP No. 2403/2017**

This the 15th day of March, 2021

(Through Video Conferencing)

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

1. Kiran Kumari,
Age 50 years,
W/o Narad Muni Brahman Sasan,
R/o Uri, District, Baramulla.
2. Syed Shamima Banoo,
Age 50 years,
W/o Peerzada Ghulam Jeelani,
R/o Shahoo, Sachan, Kulgam.
3. Shamima Banoo,
Age 50 years,
W/o Mohammad Ashraf Khan,
R/o Vatrihal Khan Sahib, Budgam.
4. Mst. Sara Begum,
Age 50 years,
W/o Mohammad Ashraf Khan,
R/o Natnusa, Handwara.

....Applicants

(Mr. Nazir Ahmad Bhat, Advocate)

VERSUS

1. State of Jammu and Kashmir through Commissioner/Secretary to Government, Health and Medical Education, Department, Srinagar/ Jammu.
2. Principal/Dean, Govt. Medical College, Srinagar.

3. Administrator, Hospitals, Govt. Medical College, Srinagar.
...Respondents

(Mr. Amit Gupta, Additional Advocate General)



ORDER (Oral)

Mr. Justice L. Narasimha Reddy:

The applicants were initially appointed as Junior Nurses in the year 1991 and, thereafter, they were promoted to the post of Senior Grade Nurses. The next promotion is to the post of Nursing Supervisor. The applicants contend that the Government did not implement the reservation in promotions for the post of Nursing Supervisor and thereby they are denied of their valuable rights. They filed SWP No. 2403/2017, with a prayer to direct the respondents to implement reservation in promotions to the post of Nursing Supervisor in favour of RBA category and to extend them the consequential benefits.

2. The applicants contend that there existed a validly made law providing for reservation in promotions in favour of RBA category also, but it is not being implemented.

3. On behalf of the respondents, it is stated that though specific law was made in this behalf, the Hon'ble High Court



of Jammu and Kashmir struck down the same and the matter is pending before the Hon'ble Supreme Court.

4. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu and Kashmir and renumbered as TA No. 8595/2020.

5. Today, We heard Mr. Nazir Ahmad Bhat, learned counsel for the applicant and Mr. Amit Gupta, learned Additional Advocate General.

6. Both the parties agree that there existed a law providing for reservation in promotions in favour of various categories, including RBA, for the post of Nursing Supervisor. However, the relevant provisions were set aside by the Hon'ble High Court in a batch of writ petitions. As of now, four Appeals/SLPs are pending before the Hon'ble Supreme Court in this behalf. The General Administration Department of the State issued a Note on 21.06.2016, indicating the gist of the orders passed by the Hon'ble Supreme Court and pointing out that conflicting orders emerged on the same issue, and when a clarification was sought, the Hon'ble Supreme Court decided to take up the matter for hearing. In this fluid situation, we find it difficult to issue any specific direction. This much, however, can be said that once the Hon'ble Supreme Court decides the issue

finally, the respondents need to take steps in case of the applicants also.

7. The T.A. is accordingly disposed of. There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sunil/jyoti/vandana/ankit/