



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.8738/2020
(S.W.P. No.2160/2011)

Monday, 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. Farooq Ahmad Ganie aged 45 Yrs. S/o Gh.Nabi R/o Sarnal Anantnag.
2. Farooq Ahmad Tantray aged 44 yrs S/o Mohd. Jamal Tantray, R/o Urnball Anantnag.
3. Syed Mushtaq Ahmad aged 49 yrs S/o Syed Mohd Yousuf, R/o Wantpora Dehrana, Anantnag.
4. Manzoor Ahmad Lone aged 47 yrs, S/o Ab Aziz Lone, R/o Ranbirpora Mattan, Anantnag.
5. Mushtaq Ahmad Khan aged 41 yrs S/o, Mohd. Yousuf, R/o Dangerpora, Anantnag, Kmr.

...Applicants

(By Advocate: Mr. P. S. Ahmad)

VERSUS

1. State of Jammu and Kashmir through Commissioner cum Secretary to Govt. Revenue Department, Civil Sectt, Srinagar/Jammu.
2. Divisional Commissioner Kashmir Srinagar.
3. Deputy Commissioner Anantnag.



4. Ab. Rouf Padder, C/o Dy. Comm. Anantnag.
5. Iqbal Ahmad, C/o Tehsildar, Anantnag.
6. Peer Muzaffer Jeelani C/O Tehidár Phalgam.
7. Tariq Ibrahim Ganie C/o Dy. Commissioner Anantnag.

...Respondents

(Mr. Amit Gupta, Additional Advocate General and Mr. Rajesh Thapa, Deputy Advocate General)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicants were working as Orderlies in various Departments of Government of Jammu & Kashmir. There existed an avenue of promotion to the post of Junior Assistant. The applicants contend that a tentative seniority list of Orderlies was published by the respondents on 08.10.2010 and they figured at fairly high, in the list. It is stated that the respondent Nos. 1 to 3 passed an order dated 05.09.2011 promoting the respondent Nos. 4 to 7 as Junior Assistants and posted at different places. The applicants contend that the respondent Nos. 4 to 7 were shown as juniors in the tentative seniority list and without following the seniority, the promotions were made. It is further stated that various representations made by the applicants were not considered at all. They filed SWP No.2160/2011 before the

Hon'ble High Court of Jammu & Kashmir, challenging the order dated 05.09.2011 and for a direction to the respondents to consider their cases for promotion. The Hon'ble High Court passed an interim order, directing that the promotion of respondent Nos. 4 to 7 shall be subject to the final outcome of the CMP No.3568/2011 in SWP No.2160/2011 and that further promotions shall not be made.

2. The record discloses that no counter affidavit was filed by any of the respondents.

3. 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.8738/2020.

4. Today, we heard Mr. P S Ahmed, learned counsel for applicants; & Mr. Amit Gupta, Additional Advocate General and Mr. Rajesh Thapa, learned Deputy Advocate General, through video conferencing.

5. Through the impugned order, the respondent Nos. 4 to 7 were promoted to the post of Junior Assistant. The applicant filed Annexure B, which is a tentative seniority list for the post of Orderly. The very purpose of maintaining the seniority list is to take that into account, whenever promotions are made to higher post. It is not known as to whether any final seniority list has

been published. Even if it is not done, the official respondents cannot ignore the tentative seniority list.

6. We, therefore, dispose of the T.A., directing the Deputy Commissioner, Anantnag (respondent No.3) to pass orders on the representation(s) made by the applicants, within a period of two months from the date of receipt of a copy of this order. We also direct that the promotions shall be strictly in accordance with the seniority in the feeder category, unless the candidate has suffered any disqualification. If any of the applicants were overlooked in the context of promotion, the necessary benefits shall be extended to them, within that time, if necessary, by reverting the unofficial respondents. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 15, 2021
/sunil/jyoti/vb/ankit