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**Central Administrative Tribunal
Jammu Bench, Jammu**

**TA No. 9220/2020
SWP No. 932/2011**

Monday, this the 22nd day of March, 2021

(Through Video Conferencing)

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

Mohd. Ahsan Mir, Age 40 years
S/o Abdul Khaliq Mir
R/o Darwan Yousmarg
Tehsil Chararisharief
District Budgam.

...Applicant

(Mr. M Y Parray, Advocate)

VERSUS

1. State of Jammu & Kashmir through
Commissioner Secretary to Government
Finance Department
Civil Secretariat, Jammu/Srinagar.
2. Commissioner
Commercial Taxes Department (Administration)
J&K State, Jammu.
3. Additional Commissioner
Commercial Taxes Department (Administration)
Kashmir Division, Srinagar.
4. Deputy Sales Tax Commissioner (Adm)
Kashmir Division, Srinagar.
5. Mr. Ghulam Mustafa Shiekh (Process Server)
Commercial Taxes Department (Administration)
Kashmir Division, Srinagar.

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6. Mr. Amarjeet Singh (Process Server)
Commercial Taxes Department (Administration)
Kashmir Division, Srinagar.
7. Ms. Farida Akhtar (Process Server)
Commercial Taxes Department (Administration)
Kashmir Division, Srinagar.
8. Mr. Abdul Rashid Bhat (Process Server)
Commercial Taxes Department (Administration)
Kashmir Division, Srinagar.
9. Mr. Mohd. Younis Line (Process Server)
Commercial Taxes Department (Administration)
Kashmir Division, Srinagar.
10. Mr. Manzoor Ahmad Dar (Process Server)
Commercial Taxes Department (Administration)
Kashmir Division, Srinagar.
11. Mr. Ghulam Mohd. Lone (Process Server)
Commercial Taxes Department (Administration)
Kashmir Division, Srinagar.
12. Mr. Abdul Rashid Mir (Process Server)
Commercial Taxes Department (Administration)
Kashmir Division, Srinagar.

...Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (Oral)

Mr. Justice L. Narasimha Reddy:

The applicant joined the service of the Commercial Taxes Department as Orderly in the year 1988 and thereafter was promoted to the post of Process Server. The next promotion is to the post of Junior Assistant. One of

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the conditions is that the candidate must clear the typewriting test. The respondents issued an order dated 12.03.2011 promoting 8 candidates as Junior Assistant. However, the name of the applicant did not figure therein. Complaining that even his juniors were promoted, the applicant filed SWP No. 932/2011 before the Hon'ble High Court of Jammu & Kashmir with a prayer to set aside the order dated 12.03.2011 and direct the respondents to promote him to the said post.

2. In the counter affidavit, the respondents stated that the applicant was not promoted on account of the fact that he did not clear the typewriting test. It is stated that the stipulated speed in typewriting test is minimum of 25 words per minute, whereas the applicant was able to type only 16.80 words per minute and accordingly he was not treated as qualified.

3. The SWP has since been transferred to the Tribunal in view of the reorganisation of the State of Jammu & Kashmir and renumbered as TA No. 9220/2020.

4. We heard Mr. M. Y. Parray, learned counsel for the applicant and Mr. Rajesh Thappa, learned Deputy Advocate General.

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4. The applicant, no doubt, became eligible to be considered for promotion of Junior Assistant on account of seniority in the post of Process Server. The fact, however, remains that he could not be promoted as Junior Assistant on account of the fact that he did not clear the typewriting test. There is not even a provision for exemption.

5. Under these circumstances, it cannot be said that the impugned order suffers from any illegality or factual error. We do not find any merit in the T.A. and the same is accordingly dismissed. No costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

March 22, 2021
/sunil/jyoti/vb/ankit