



**Central Administrative Tribunal  
Jammu Bench**

TA No.062/2777/2021  
SWP No. 2010/2018

This the 3<sup>rd</sup> day of March, 2021

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

Javaid Ahmad Khan  
S/o Gh. Nabi Khan  
R/o Kashkoot Banihal District Ramban  
Aged 48 years.

... Applicant

(By Advocate: Sh. Rafiq Bhat for Sh. Shuja Ul Haq)

Versus

1. State of J&K through  
Commissioner Secretary to Govt. Home Department,  
Srinagar/Jammu.
2. Director General of Police,  
J&K Police Hqrs.,  
Humhama Budgam,  
Kashmir.
3. Inspector General of Police, J&K Zone, Jammu.
4. Dy. Inspector General of Police,  
DKR Range, Batote  
Jammu.

... Respondents

(Sh. Amit Gupta, Additional Advocate General)



## **ORDER (ORAL)**

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

The applicant joined the J&K Police in the year 1996 and was promoted to the post of Senior Grade Constable in the year 2007. He was also promoted to the post of Head Constable in 2016.

2. The applicant contends that he participated in anti militancy operations in the year 2017 and by recognising his bravery, the DIG DKR Range Batote addressed a letter dated 06.02.2018 to the Inspector General of Police, J&K to extend the benefit of out of turn promotion to the applicant. It is also stated that though the sanction was accorded for absorption of five SPOs, of the component Ramban, as Constables, no benefit was extended to him. In this background, he filed SWP No.2010/2018 before the Hon'ble High Court of J&K with a prayer to extend the benefit of out of promotion.

3. The respondents filed a detailed counter affidavit stating that the operation wherein certain police officials and SPOs resulted in apprehension of two-three militants, and though the DIG DKR Range Batote recommended out of turn promotion of applicant and certain others, the ultimate authority has decided not to extend such benefit to any of the Police officials. It is stated that SPOs were absorbed as Constables, and beyond that no further benefit was extended.

4. The SWP has since been transferred to the Tribunal in view of reorganisation of State of J&K and renumbers as TA No.2777/2021.



5. Today we heard Sh. Rafiq Bhat, learned proxy counsel for applicant and Sh. Amit Gupta, Additional Advocate General.

6. No individual has a fundamental right to be considered for out of turn promotion. It is only in the discretion of the concerned authority to extend such benefit, depending upon the circumstances and the role played by the concerned officials. It is true that the DIG DKR Range Batote recommended the cases of applicant and certain others. However, the higher authorities have examined the matter in detail and took a decision not to extend the benefit to any serving Police official. The mere fact that SPOs were absorbed, does not become a ground for the applicant to claim it. The applicant cannot claim parity with SPOs.

7. We do not find any merit in the TA and the same is dismissed accordingly. No costs.

**(Pradeep Kumar )**  
**Member (A)**

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

**March 3, 2021**

/dkm/sd/sunil/jyoti