

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 62/2455/2020

This the 22nd day of April, 2021

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. DINESH SHARMA, MEMBER (A)**

Nissar Ahmad, Age 45 years, S/o Ghulam Nabi Mir, R/o Shalimar, Srinagar.
.....Applicant

(Advocate:- Mr. Bhat Fayaz Ahmad)

Versus

1. State of J&K through Additional Chief Secretary, Home Department, J&K Govt. Civil Sectt. Srinagar/Jammu.
2. Director General of Police, J&K Police Headquarters, Srinagar.
3. Mr. Imtiyaz Ahmad Dar, Inspector Police Department NGO, No. 4521.
4. Mr. Ajaz Ahmad Bhat, Inspector Police Department, NGO No. 4522.
5. Sandeep Kaur, Inspector Police Department NGO No. 4540.
6. PSI Rajni Sharma, Inspector Police Department NGO No. 4367. C/o Director General of Police J&K Govt. Srinagar/Jammu.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

**O R D E R
[O R A L]**

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

The applicant Nissar Ahmad was initially appointed as Sub Inspector in the Police Department. He was recommended for out of turn promotion in the year 1998, however, the promotion was nevertheless granted to the applicant after the applicant sought the indulgence of Hon'ble High Court by filing SWP No.2301 of 2011. In the light of the judgement dated 05.05.2006 passed in the aforementioned Writ Petition, the applicant was granted out of promotion to the post of Inspector w.e.f., 29.06.2007. However, as the applicant wanted promotion w.e.f., 22.06.2000, he again approached the Hon'ble High Court by filing SWP No. 1965 of 2007 seeking promotion w.e.f, the date the juniors of the applicant have been promoted, however, the Hon'ble High Court disposed of the Writ Petition with direction to the applicant to file a representation before the respondents indicating his grievances and the respondents were directed to pass appropriate orders.





The judgement passed in the aforementioned SWP was not complied with, therefore, the applicant again approached the Hon'ble High Court by filing Contempt Petition No. 77 of 2010. Subsequently, the order dated 29.03.2010 rejecting the claim of the applicant was placed on record by the respondents and the applicant withdrew the contempt petition with liberty to challenge the rejection order.

2. Learned counsel for the applicant has relied upon the order dated 25.11.2020 passed in OA No. 61/104/2020 which was disposed of by this Tribunal with direction to the respondents to consider the case of the applicant for retrospective promotion in accordance with law and he prays for a similar order in this case also.
3. We have heard Mr. Bhat Fayaz Ahmad, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G. for the respondents and perused the records.
4. Looking to the facts and circumstances of the case as well as the limited prayer made by the learned counsel for the applicant, we dispose of the T.A. with direction to the respondents to consider the case of applicant for retrospective promotion in accordance with law governing the said plea within a period of two months from the date of receipt of copy of this order by passing a reasoned and speaking order with intimation to the applicant.
5. It is made clear that we have not entered into the merits of the case.
6. There shall be no orders as to cost.

**(DINESH SHARMA)
MEMBER (A)**

Arun

**(RAKESH SAGAR JAIN)
MEMBER (J)**