

Item No.6



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.481/2021
(SWP No.2203/2011)

Tuesday, this the 23rd day of March, 2021

(Through Video Conferencing)

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

1. Ghulam Hassan Dar, Age 51 years,
S/o Abdul Rehman Dar
R/o Khasipora Tehsil,
Tral District Pulwama,
Kashmir.
2. Mehraj-ud-din, Age 50 years,
S/o Mohammad Yahya Baba
R/o Tral Bala Tehsil Tral District,
Pulwama, Kashmir

.. Applicants

(Nemo for applicants)

Versus

1. State of J & K through
Special Secretary
Works Department,
Civil Secretariat Srinagar/Jammu.
2. Chief Engineer,
Irrigation and Flood Control Department
Rajbagh, Srinagar.
3. Superintending Engineer
Hydraulic Circle,
Irrigation and Flood Control Department,
Anantnag.
4. Executive Engineer,
Irrigation and Flood Control Department,
Anantnag.

... Respondents.

(Mr. Rajesh Thappa, Deputy Advocate General)

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ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicants were appointed as Draftsman in the year 1981. It is stated that the next promotion is to the post of Senior Draftsman. According to the applicants, there existed quite good number of vacancies of Senior Draftsman and they too have acquired qualifications for that post. Their grievance is that the respondents are not taking any steps for promotion to the post of Senior Draftsman for past several years and they are being denied the benefit of promotion. They filed SWP No.2203/2011 before the Hon'ble High Court of Jammu & Kashmir, claiming the relief in this behalf.

2. 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.481/2021.

3. Today, there is no representation for the applicants and we heard Mr. Rajesh Thappa, learned Deputy Advocate General; and perused the records.

4. The grievance of the applicants is that though they have completed nearly 30 years of service in the post of Draftsman, they are not being extended the benefit of promotion. If the Rules provide for promotion to the Senior Draftsman and if

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there existed vacancies, the respondents are under obligation to take necessary steps to fill them. Though the applicants cannot claim promotion as a matter of right, they are entitled to be considered for promotion. The respondents need to make their stand clear as to whether there existed any avenue of promotion of Draftsman to Senior Draftsman and if so, why the delay is caused in the process. If on the other hand the applicants are not entitled for promotion, they need to be informed accordingly.

5. We, therefore, dispose of the T.A., directing the respondents to make their stand clear as regards the promotion to the post of Senior Draftsman and take necessary and consequential steps in this behalf, within two months from the date of receipt of copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 23, 2021
/pj/sunil/vb/ankit/