

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No. 3541/2020
(S.W.P. No. 801/2020)

Monday, this the 12th day of April, 2021

(Through Video Conferencing)

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

Lateef Ahmad Wani, aged about 50 years,
S/o Late Ghulam Rassol Wani,
R/o Kanitaar, Saderbal, District Srinagar,
Jammu and Kashmir.

..Applicant
(Mr. M. Anis, Advocate)

VERSUS

1. Union Territory of Jammu and Kashmir through,
Commissioner/Secretary to Government,
Transport Department, Civil Secretariat,
Srinagar/Jammu.
2. Transport Commissioner, Jammu and Kashmir.
3. Additional Transport Commissioner, Jammu and Kashmir.

..Respondents
(Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant joined the service of Government as Junior Stenographer. It is stated that the said post is one of the feeder categories for promotion to the post of Motor Vehicle Inspector (MVI) (Survey). The applicant was promoted to the said post, on in-charge basis on 08.05.2003. However, while his batch-mate, one Shami Kumar, Junior Scale Stenographer, who too was



promoted on in-charge basis as MVI (Survey), was promoted on permanent/regular basis, through order dated 05.06.2003, and he was not considered, the applicant filed SWP No. 1277/2005 before the Hon'ble High Court of Jammu & Kashmir. During the pendency of the said SWP, several developments have taken place, in the year 2006. It is stated that the case of the applicant was not considered by citing the pendency of the aforesaid SWP. After the applicant had withdrawn the SWP No. 1277/2005, the respondents promoted him to the post of MVI (Survey) on regular basis w.e.f. 04.04.2005 on the basis of the recommendations of the DPC, which met on 12.09.2007.

2. The applicant made a representation with a prayer to promote him as MVI (Survey) with effect from the date on which Shami Kumar was promoted. When no action was taken thereon, he filed SWP No. 801/2020 before the Hon'ble High Court with a prayer to direct the respondents to extend him the same treatment, as was done to Shami Kumar.
3. The record discloses that the respondents did not file a counter affidavit.
4. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as TA No. 3541/2020.

5. Today, we heard Mr. M. Anis, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General.



6. The only grievance of the applicant is about the denial of promotion to the post of MVI (Survey) on regular basis with effect from the date on which Shami Kumar was promoted. In the case of Shami Kumar, promotion was w.e.f. 05.06.2003, whereas the applicant came to be promoted w.e.f. 04.04.2005. This distinction needs to be explained by the respondents.

7. We, therefore, dispose of the T.A., directing the respondents to examine the representation made by the applicant by passing a speaking order, 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

/sunil/ankit/dsn