
(2017) 05 J&K CK 0021
In the Jammu And Kashmir High Court
Case No : 956 of 2017 MP No 01 of 2017

Mohammad Rafiq Mir

APPELLANT

Vs

State of JK & Anr.

RESPONDENT

Date of Decision : 25-05-2017

Acts Referred:

Citation : (2017) 05 J&K CK 0021

Hon'ble Judges : Ramalingam Sudhakar

Bench : SINGLE BENCH

Advocate : Javaid Hameed, R.A. Khan

Final Decision : Disposed Of

Judgement

1. The writ petition has been filed for the following relief(s):

1. By issuance of writ of mandamus, the respondents be directed to consider and promote the petitioner on the vacant post of Head

Assistant in the department in terms of the rules in vogue in the department in his quota from retrospectively with consequential

benefits as same shall be interest of justice and equity.

2. The petitioner claims that he is presently working as Senior Assistant in the Jammu and Kashmir Handloom Development Department. He states

that he is figuring at S. No. 1 in the seniority list of Senior Assistants and is, as such, entitled to be promoted to the next higher post i.e. Head

Assistant, which is lying vacant in the respondent Department. The petitioner further states that in view of vacancy in the post of Head Assistant his

claim needs to be considered in terms of SRO 164 of 1993, J&K Handloom Development (Subordinate) Service Recruitment Rules, and SRO

272 of 2008 dated 19th September, 2008. It is pleaded by the petitioner that he

has given a representation in this regard before the Director,

Handloom Development Department- Respondent No.2 herein dated 4th May, 2017, however, no action in respect thereto has been taken till

date, constraining the petitioner to file the instant writ petition.

3. Mr. R.A. Khan, learned AAG, states that the authority will go into the claim of the petitioner and decide the same on merits as also keeping in

mind the relevant provisions of the rules applicable to the claim of the petitioner for his promotion to the next higher post.

4. Keeping in view the nature of controversy involved as also the statement made by learned AAG, this writ petition is admitted to hearing and is

disposed of with a direction to Respondent No.2 to consider and decide the representation of the petitioner dated 4th May, 2017 (already filed

before him), with regard to the claim of the petitioner for promotion to the next higher post in the hierarchy on its own merits within a reasonable

period of time, preferably within a period twelve weeks from the date of receipt of copy of this order.

5. With the aforementioned directions, writ petition along with connected MP(s) stands disposed of.