
(2025) 07 CAT CK 0429

In the Central Administrative Tribunal, Jammu Bench, Jammu

Case No : Transferred Application No. 5251 Of 2021

Tabassum Parveen & Ors.

APPELLANT

Vs

State Of Jammu And Kashmir & Ors.

RESPONDENT

Date of Decision : 30-07-2025

Acts Referred:

Citation : (2025) 07 CAT CK 0429

Hon'ble Judges : Rajinder Singh Dogra, Member (J); Ram Mohan Johri, Member (A)

Bench : Division Bench

Advocate : M.K. Bhardwaj, Rajesh Thapa, Sudesh Magotra, F.A. Natnoo

Final Decision : Disposed Of

Judgement

Rajinder Singh Dogra, Member (J)

1. The instant petition has been filed by Id. counsel for the applicants with following relief:

i. The dates in order impugned bearing No. 367 (P) of 2007 dated 1/8/2007 may very kindly be quashed and set aside to the extent it shows the petitioners to have been regularized after the direct recruits of 2002 by the issuance of writ, order or direction in the nature of mandamus.

ii. Further prayer for a command and direction to the respondents to regularize the petitioners w.e.f. March 2000 i.e. the date they were adjusted as Incharge Dy.SP's,

Or,

iii. In the alternative w.e.f. the dates which have been vacated by the seniors of the petitioners namely S/S Ram Rattan and others, with all consequential benefits including promotion to the post of Superintendent Police by the issuance of writ, order or direction in the nature of mandamus.

2. Ld. Counsel for the applicants submitted that the petitioners were appointed as Sub-Inspectors in the J&K Police. They were promoted inspectors on the basis of their merit seniority, suitability and experience. Petitioners No. 8 and 11 were appointed directly as Inspectors in the force. The petitioners were promoted officiating Dy.S.P's in the year 2000 against the available vacancies. The post of DSP's is filled up from two sources i.e. one by direct recruitment and another by promotion from amongst the cadre of Inspectors. The petitioners were promoted from the cadre of Inspectors as officiating Dy.S.P's before the appointment of direct recruits in to the service. The Govt. has regularized the petitioners as DySP's vide G.O. No. Home 367 (P) of 2007 dated 1/8/2007 w.e.f the different dates. The petitioners have not been regularized w.e.f the dates, they were adjusted as Dy.SP's in J&K Police. The Govt. of Jammu and Kashmir vide G.O. No. 597 (P) of 2008 dated 4/9/2008 refixed the seniority of number of seniors of the petitioners in the cadre of Inspectors and they have been granted retrospective dates for the purposes of promotion as Inspectors. In view of refixation of their seniority with retrospective effect, they have been granted promotions as Dy.SP's w.e.f 1997 i.e. 6/2/1997. With the movement of these officers, to the year 1997 for the purposes of fixation of seniority in the promotion quota of DySP's, the petitioners are entitled to be simultaneously adjusted below them against the vacancies of 1999-2000, against which the said seniors of the petitioners had already been adjusted.

3. Now, Ld. counsel for the applicants submitted that the applicants would be satisfied if the present Original Application is disposed of with a direction to respondents to treat this O.A. as representation of the applicants and decide the same by passing a reasoned and speaking order within time frame.

4. Ld. counsel for the respondents vehemently opposed the prayer made by Id. counsel for the applicant.

5. Heard Id. counsels for the parties.

6. In view of the above, the Original Application is disposed of with a direction to respondents to treat this O.A. as representation of the applicants and consider the case of the applicants for promotion in light of the judgement passed by the Hon'ble Supreme Court in the case of Suraj Prakash Gupta & Ors. vs. State of J&K & Ors. on 28 April, 2000 reported in AIR 2000 SUPREME COURT 2386 in which it was held that if the person is fully eligible and vacancy is available with the department then, he should be regularized from the date when he was made in-charge.

7. The respondents are further directed to decide the representations of the applicants by passing reasoned and speaking order and communicate the order so passed to the applicants. The whole exercise shall be completed within a period of eight weeks from the date of receipt of a certified copy of this order.

8. With these directions, the T.A. No. 5251 of 2021 is disposed of.

9. However, there shall be no order as to costs.