
(2025) 08 CAT CK 0308

In the Central Administrative Tribunal, Srinagar Bench, Srinagar

Case No : Contempt Petition No. 78 Of 2023 In Transfer Application No. 43 Of 2022

Tawheeda Habib

APPELLANT

Vs

Asgar Hassan Samoon, Principal Secretary To Government,
Skill Development Department, Civil Secretariat, Srinagar/
Jammu & Ors.

RESPONDENT

Date of Decision : 21-08-2025

Acts Referred:

Citation : (2025) 08 CAT CK 0308

Hon'ble Judges : D. S. Mahra Member (J);Prasant Kumar, Member(A)

Bench : Division Bench

Advocate : S R Hussain, Rais Ud Din Ganaie, Shah Aamir

Final Decision : Disposed Of

Judgement

D. S. Mahra Member (J)

1. The applicant was initially appointed in the year 2004 as Superintendent Technical Education in Jammu and Kashmir Technical Education Gazetted Cadre. She filed Writ Petition No. 1661 of 2018 before the Hon'ble High Court seeking consideration of her case for promotion to the post of Assistant Director, as she possessed all the requisite qualifications prescribed for the said post under the Rules of 2002. The Hon'ble High Court, vide order dated 23.09.2019, passed the following directions:

"In the above background, let Respondent No. 3- Commissioner Secretary to Government, Technical Education Department ensure inclusion of the name of the petitioner in the initial constitution as also notify her position in the final seniority list at its appropriate place and thereafter ensure regular promotion of the petitioner against the post of Assistant Director from the date the post has become available/ held by the petitioner for further consideration/promotion. Till this exercise is completed, the respondents shall not make any promotion/fill up

the post of Assistant Director and Deputy Director.”

2. When the aforesaid order passed by the Hon’ble High Court was not complied with by the respondent department, the applicant filed Writ Petition No. 500/2019 before the Hon’ble High Court, which was subsequently transferred to this Tribunal and re-numbered as TA No. 43/2022. The said TA came up for hearing before this Tribunal on 16.11.2022, whereupon the following order was passed:

“Learned counsels for both sides are present.

Learned counsel for the applicant admits that the seniority list of the applicant stands modified and he has been shown at appropriate place. He also submits that he will be satisfied if the respondents are directed to convene the DPC and consider the case of the applicant for promotion.

In view of the above, respondents are directed to convene the DPC at the earliest and accordingly consider the case of the applicant.”

3. When the directions issued by the Hon’ble High Court on 23.09.2019 and the order passed by this Tribunal on 16.11.2022 were not complied with by the respondents, the applicant filed Contempt Petition No. 78/2022 alleging non-compliance of the orders passed by both the Hon’ble High Court and this Tribunal.

4. The respondents, in response, filed compliance affidavit dated 29.02.2024.

5. Learned counsel for the applicant submitted that the respondents have complied with the first part of the Hon’ble High Court’s order dated 23.09.2019, inasmuch as the applicant has been placed at an appropriate position in the seniority list. It was pointed out that the applicant now stands at Serial No. 1 in the said seniority list, and she has no grievance in respect of her placement therein.

6. Learned counsel for the applicant further submitted that the grievance of the applicant pertains to the second part of the Hon’ble High Court’s order dated 23.09.2019—namely, that she has not been promoted to the post of Assistant Director from the date the post became available.

7. On the other hand Learned counsel for the respondents submitted that the applicant has been placed at an appropriate position in the seniority list and that, to that extent, the respondents have fully complied with both the Hon’ble High Court’s order and this Tribunal’s order. As regards the second part of the High Court’s directions, he submitted that the applicant has been asked to submit her APAR for placing the same before the Departmental Promotion Committee (DPC) for consideration. He further submitted that the process is under active consideration; Annual Performance Reports are being collected, and once the necessary formalities are completed, the case will be placed before the DPC for promotion of the applicant to the next higher grade.

8. Heard Learned counsel for both the sides and perused the material available

on record.

9. From the submissions made by the parties and the contents of the compliance affidavit filed on record, it emerges that, insofar as the first part of the Hon'ble High Court's order dated 23.09.2019 is concerned, the respondents have complied by placing the applicant at an appropriate position in the seniority list. Learned counsel for the applicant has also stated that she is satisfied with her placement therein and does not have any subsisting grievance in that regard.

10. As regards the second part of the directions contained in the said order, it is submitted that the process of considering the applicant's promotion to the post of Assistant Director is presently under process. The respondents have stated as follows in their compliance affidavit:

"That now the Department is in process to submit the proposal to the J&K Public Service Commission/DPC for considering the regularization/promotion of eligible candidates including the applicant/petitioner to the post of Assistant Director/Principal (Jr. Scale)/Assistant Apprenticeship Advisor for which the Vigilance Clearance, Integrity/Work & Conduct certificates of the eligible officers has already been obtained from the Director Skill Development vide his communication dated: 01-12-2023 (Annexure R-II) but in respect of the APRS for the relevant period, the Director Skill Development Department has already been taken up with the concerned officers as intimated vide above referred communication which are still awaited on the part of the concerned officers, as and when the requisite APRs of the concerned officers are received from the Director, Skill Development, the proposal shall be submitted to the J&K Public Service Commission/DPC regularization/promotion for for considering the considering the regularization/promotion of eligible candidates including the applicant/petitioner."

11. The respondents are in the course of collecting and verifying the requisite documents, service particulars, and relevant reports, which, upon completion, are to be placed before the Departmental Promotion Committee (DPC) for consideration in accordance with law.

12. In light of the above, it is held that the respondents have substantially complied with the orders passed by the Hon'ble High Court as well as by this Tribunal. Accordingly, the contemnors are discharged, and the contempt petition is hereby closed.