

Central Administrative Tribunal
Jammu Bench, Jammu

Hearing through video conferencing

Original Application No. 61/1500/2022

This the 01st day of November, 2022

Hon'ble Mr. Suresh Kumar Batra, Member (J)



1. Abdul Majid Tak, Age 54 years, S/o Late Ghulam Hussain Tak, R/o At present H. No. 287 Mohalla Ustad, Jammu, Tehsil and District Jammu-180001.

...Applicant

(Through Advocate: Mr. Faheem Shokat Butt)

Versus

1. UT of J&K through Financial Commissioner/Additional Chief Secretary to Government, Agriculture Production Department, Civil Secretariat, Srinagar-190001 (Ministry of Agriculture).
2. Jammu and Kashmir Public Service Commission through its Secretary, Solina Srinagar, Kashmir-190001.
3. Deputy Secretary to Government, Agriculture Production Department, Civil Secretariat, Srinagar-190001.

...Respondents

(Through Advocate: Mr. Rajesh Thapa, Ld. A.A.G.)

ORDER

Mr. Faheem Shokat Butt, Ld. Counsel for applicant and Mr. Rajesh Thapa, Ld. A.A.G. for respondents are present.

2. By way of instant O.A., the applicant is mainly seeking the following reliefs:-

- “a. Quash Communication impugned bearing no. ASHF-FISHOGAZ/12/2021-03 dated 20.10.2022 addressed by Deputy Secretary to Government Agriculture Production Department to the Secretary J&K PSC, Srinagar to the extent whereby it is proposed to put on hold the regularization of applicant's service as Joint Director till the final disposal of O.A. No. 1626 of 2021 and 201/2022 in the Departmental Promotion Committee meeting requested to be convened at the earliest.

- b. Direct the respondents to consider the regularization of applicant's service as Joint Director, Fisheries on the basis of his eligibility already determined under the rules in vogue, notwithstanding the proposal to hold the said regularization till outcome of O.A. No. 1626 of 2021 & O.A. No. 201 of 2022."



3. Ld. Counsel for applicant submitted that the applicant was placed as Incharge Joint Director, Fisheries vide order dated 12.04.2022, however, in the order it was mentioned that the Incharge promotion of applicant shall be governed by rules occupying the field and shall be subject to outcome of O.A. No. 1626 of 2021 and O.A. No. 61/201/2022 titled Gopal Krishan Vs. State of J&K & Ors. Vide order dated 23.05.2022, the applicant was placed and posted as Incharge Joint Director (South) Kashmir against an available vacancy. The grievance of the applicant is that the Administrative Department through its Deputy Secretary to Government vide order dated 20.10.2022 addressed a communication to Secretary J&K PSC, Srinagar along with Agenda Note for placing the matter before the Departmental Promotion Committee for consideration/regularization of Incharge Joint Director (s) of J&K Fisheries Department as Joint Director (s) and accordingly request was made to convene a DPC meeting but despite finding the applicant eligible, it has been proposed to keep the regularization of applicant's service as Joint Director on hold till the final disposal of O.A. No. 1626 of 2021 and O.A. No. 201 of 2022 titled Gopal Krishan Vs. State of J&K.

4. Ld. Counsel for applicant further submitted that the grievance of the applicant would be redressed, if a direction is issued to respondents to consider the O.A. as representation of applicant and decide the same within a stipulated time frame.

5. Mr. Rajesh Thapa, Ld A.A.G. appearing for respondents conceded the limited prayer made by the applicant for disposal of O.A.



6. I have considered the submissions made by the Ld. Counsels for both the sides and perused the material on record. Without expressing any opinion on the merits of the case, the O.A. is disposed of at admission stage with direction to respondents to treat a copy of this O.A. as representation of the applicant for consideration of his claim for regularization of his service as Joint Director, Fisheries on the basis of his already determined eligibility and decide the same, as per relevant rules and instructions on the subject, by passing a reasoned and speaking order within a period of three weeks from the date of receipt of a certified copy of this order. A copy of the speaking order, shall be communicated to the applicant within one week thereafter. Till a decision is taken with regard to the claim of the applicant, the respondents shall not proceed with the regularization process for the post of Joint Director, Fisheries

7. With the above direction, the O.A. stands disposed of. No costs.

(Suresh Kumar Batra)
Member (J)

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