

Central Administrative Tribunal
Jammu Bench, Jammu

Hearing through video conferencing

Original Application No. 61/1501/2022

This the 01st day of November, 2022

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



1. Pawan Kumar, Age 60 years, S/o Mohan Lal, R/o H. No. 12, Lane No. 6, Bhagwan Gopinath Vihar, Bohri, Udaywala, Jammu-180018.

...Applicant

(Through Advocate: Mr. Jattan Singh)

Versus

1. UT of J&K through Principal Secretary to the Govt. PWD, Civil Secretariat, Jammu-180001.
2. Chief Engineer, Mechanical Engineering Department, PWD, Jammu-180001.
3. Superintending Engineer, Mechanical Circle, PWD, Jammu-180001.

...Respondents

(Through Advocate: Mr. Hunar Gupta, Ld. D.A.G.)

ORDER

Mr. Jattan Singh, Ld. Counsel for applicant and Mr. Hunar Gupta, Ld. D.A.G. for respondents are present.

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

- a. Direct the respondents to consider the applicant for promotion within a time bound manner to higher grade and post as against the available vacancies in view of approaching retirement of the applicant in November 2022.
- b. Direct the respondents to block one vacancy for the applicant in anticipation of the outcome of the present O.A.
- c. Direct the respondents to grant all consequential benefits along with arrears due to the applicant since 2017 on account of his promotion.

- d. Direct the respondents to release due arrears to the applicant in terms of Regularization Order vide order no. 60 of 2016 dated 20.08.2016 at par with the other employees regularized in the said order..”



3. Ld. Counsel for applicant submitted that the applicant was appointed as Auto Tailor in the Department of Mechanical Engineering, Jammu vide order dated 23.09.1993 and he was regularized vide order dated 29.01.2005. Vide order dated 10.03.2007, the applicant was promoted as Assistant Foreman and later regularized on the said post vide order dated 20.08.2016. It has been submitted that the employees who were promoted along with applicant by the same order were granted retrospective benefits for the period between 2013-2014, but the applicant was not granted retrospective benefit. Similarly, the applicant was also not considered for promotion after 2007 though he was eligible and qualified. The applicant filed a representation dated 23.09.2019, however, no action was taken on the same. It has been further submitted that the applicant is on the verge of retirement, hence, he moved another representation on 23.05.2022 before the respondents for consideration of his case for promotion, however, no decision has been taken on that representation also.

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. Hunar Gupta, Ld D.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 considering his claim for promotion 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 applicants within one week thereafter.

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

(Suresh Kumar Batra)
Member (J)

Arun...