

CENTRAL ADMINISTRATIVE TRIBUNAL JAMMU

Order Sheet

Item no.: 6
O.A./97/2023 (JAMMU)
[REGULARISATION]
With
M.A./104/2023
Court No.: 1

No of Adjournment:

Order Dated: 01/02/2023

ROSHAN DIN DAR
Vs
HORTICULTURE DEPARTMENT

For Applicant(s) Advocate : Mr. Abhinav Sharma, Sr. Advocate assisted by Mr. Abhimanyu Sharma

For Respondent(s) Advocate : Mr. Rajesh Thapa, Additional Advocate General

Order of The Tribunal

Mr. Abhinav Sharma, learned senior counsel for the applicants submitted that the applicants were initially appointed as Horticulture Development Officers on 16.04.2001. They were promoted as Incharge District Horticulture Officers in their own pay scale vide order dated 12.01.2007.

Later on, by virtue of an order dated 02.03.2009, sanction was accorded to release the regular grade pay in favour of the applicants on temporary basis for a period of six months, which order came to be regularized by way of a subsequent order dated 11.11.2009.

Learned senior counsel further submitted that on becoming eligible for further promotion as Chief Horticulture Officers, the applicants were promoted as Incharge Chief Horticulture Officers by way of an order dated 07.06.2012. Whereas all the private respondents were promoted as Incharge District Horticulture Officers and Incharge Chief Horticulture Officers on later points of

time.

Learned senior counsel further submitted that as per the final seniority list circulated on 17.04.2018, all the private respondents are juniors to applicants in the cadre of Horticulture Development Officers.

The grievance of the applicants herein is that now by virtue of order dated 15.12.2022 their services have been regularized as District Horticulture Officers w.e.f. 28.09.2018 and whereas, their juniors' services have been regularized w.e.f. 14.09.2009, 13.10.2011, 01.02.2012, 01.04.2012, 01.09.2012, 19.08.2013, 28.09.2018 by virtue of a subsequent order dated 10.01.2023.

The contention of learned senior counsel is that the action of the official respondents being discriminatory and arbitrary cannot be sustained.

Issue notices to respondents to show cause as to why the Original Application be not admitted for hearing.

Mr. Rajesh Thapa, learned Additional Advocate General accepts notices on behalf of Respondents No. 1 and 2.

So far as Respondent No. 3 to 13 are concerned, in addition to ordinary process of service, a direction is issued to Secretary to Government, Department of Horticulture, Jammu to circulate the notices issued by this Tribunal amongst the said respondents and file an affidavit in this regard a day prior to the date fixed.

List on 17.02.2023.

Status quo with regard to services of the applicants herein, as it exists on today, shall be maintained till the next date of hearing.

Let the respective written statements to Original Application be filed by the respondents a day prior to the date fixed with advance copies to learned counsel for the applicants.

Suresh Kumar Monga
Member (J)

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