

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) no. 1467/2022
CM no. 3553/2022

Abdul Majeed Wani

...Appellant(s)/Petitioner(s)

Through: Mr. Lone Altaf, Advocate

Vs.

Govt. of JK and others

...Respondent(s)

Through: Mr. Furqan Yaqub, GA

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER
07.02.2024

1. The petitioner has sought following reliefs in this petition:

“...i) By way of issuance of a writ of mandamus the respondents may be directed to frame seniority list and thereafter consider and promote the petitioner for next higher promotion i.e. Head Steward/Assistant Catering Supervisor retrospectively w.e.f 2013.
ii) That by issuance of writ of Mandamus, respondents may be directed to release all consequential benefits and the arrears thereof against the post of Head Steward from the date petitioner was due and entitled to the same.”

2. The case of the petitioner is that he was appointed as Steward vide annexure-1, i.e., office Order No. SIMS 198(P) of 2002 dated October 21, 2002. In the said order he was figuring at Sr. no. 1. Thereafter, vide office Order No. SIMS 120(P) of 2008 dated July 19, 2008, he was promoted to next higher post/grade i.e. to the post of Steward Grade-I. He submits that in terms of recruitment rules issued vide Government Order No. 10-IMS 1998 dated May 22, 1998, he was eligible and fulfilling the criteria to be promoted as Head Steward, but he was not considered. Thereafter the Government modified the recruitment rules vide Government Order No. 75-SKIMS of 2014 dated October 24, 2014.

3. The submission made by the learned counsel for the petitioner is that the petitioner is eligible and fulfills the criteria for being considered for promotion to the post of Head Steward which post was to be filled by 100% by promotion from Steward Grade-I having matric qualification or above besides having five years of service as such. His case is that even under the fresh recruitment rules, petitioner fulfills the criteria and is eligible, but despite being eligible and senior, his case is not being considered for promotion.
4. Learned counsel for the respondents submits that the petitioner has been given grade promotion and in case vacancy is available, they would consider him for promotion to the post of Head Steward, in accordance with rules.
5. In view of the submissions made by learned counsel for the respondents, this petition shall stand disposed of and it is provided that the petitioner's case shall be considered for the promotion to the post of Head Steward, provided the post is available and lying vacant and of course in accordance with rules.
6. **Disposed of** along with connected CM

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR
07.02.2024
"Imtiyaz"