



**UNION TERRITORY OF JAMMU & KASHMIR
DIRECTORATE OF HEALTH SERVICES, JAMMU**

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Subject:-O.A/1561/2022 titled Anil Singh Vs UT of J&K & Ors.

ORDER

Whereas, the applicant by way of filing the subject captioned original application in the Hon'ble Central Administrative Tribunal, Jammu Bench has sought the following reliefs:-

- a) The respondents may kindly be directed to promote the applicant to the post of Junior Assistant District Cadre Doda substantively in view of the applicant having qualified the type test and being the senior most Class-IV employee available with the respondents for promotion.
- b) The respondents may kindly be restrained for filling up the post of Junior Assistant District Cadre Doda by appointing any other Class-IV employee.
- c) Any other relief, which this Hon'ble Court in the facts and circumstances of the case may also kindly be passed in favour of the applicant.

And, whereas, the applicant has claimed in the O.A that he came to be appointed as Class IV in District cadre Doda in the pay band/scale of Rs. 4440-7440 (Grade pay Rs. 1300) plus usual allowances vide Order No. 376 NG of 2011, dated 13-06-2011 on compassionate grounds in pursuance of SRO-43 of 1994. The respondents in the year 2017 more precisely on 22-05-2017 carried out type tests of in-service employees of Health Department Jammu Division. The applicant also appeared in the said type test which was held on 22-05-2017 at ITI Canal Road/Akhnoor Road, Jammu and qualified the same as net typing

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speed of the applicant was found at 40 WPM. The applicant has further claimed that as many as two post of Junior Assistants District Cadre Doda have been filled up by the respondents by promoting Sh. Karan Singh and Sh. Arjun Singh vide two different orders dated 09-04-2011 and 29-06-2011. However, the applicant possessing the same qualification and holding seniority was not considered although one post was available. The applicant has further claimed that the respondent No. 2 pursuant to the recommendations of Divisional Level DPC has promoted three class IV incumbents belonging to District Doda to the posts of Junior Assistants vide Order No. 283-NG of 2022, dated 20-08-2022 and out of these three incumbents, two Class employees are Sh. Karan Singh and Sh. Arjun Singh who were officiating since 09-04-2011 and 29-06-2011. In this order one post of Junior Assistant indicated at S.No. 1 has not been filled up on the ground that the same pertains to roster point No.4 belonging to RBA category. The applicant belongs to RBA category is fully entitled to be promoted against the said post but the said post of Junior Assistant has not been filled up due to the reasons that the litigation with respect to reservation in promotion in the erstwhile State of J&K is sub-judice before the Hon'ble Supreme Court of India. The respondent No. 2, in the remarks column of S.No. 1, in the order, has indicated the remarks "R.P. No.4 (RBA) De-reserved". If the said post is said to be de-reserved, even then the applicant being the only eligible candidate both in terms of qualification as well as in terms of seniority is entitled to be promoted to the post of Junior Assistant.

And, whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench in the above titled case has issued an Interim Order, on 16-11-2022, as under:-

"In the meantime, the respondents may consider the case of applicant for promotion to the post of Junior Assistant District cadre Doda under RBA category."

And, whereas, the case of the applicant has been examined in the light of record and sought out that there were eleven posts of Jr. Assistants vacant in Doda District and according to mode of recruitment, as per recruitment rules of Health Department issued vide S.O. 334 of 2022, 75% of total vacancies are to be filled through direct recruitment and 25% through promotion.

24

And, whereas, according to quota of promotion corresponding to vacancies of Jr. Assistants in District Cadre Doda, only three posts of Jr. Assistant were to be filled through promotion on the recommendations of DPC and the same have been filled in the DPC meeting held on 01-08-2022 and 02-08-2022.

And, whereas, the incumbents promoted in the last DPC, whose reference is also made in the Original Application were senior to the applicant as per the position attained by them in the seniority list and have also qualified the type test much prior to the applicant and were already working as Jr. Assistant on OPG basis. A comparison statement vis-à-vis date of passing of type test and seniority position in the category of Class-IV of the applicant and Jr. Assistants promoted in the last DPC, vide order dated 20-08-2022, is given hereunder,

S.No	Name of the Employee	Date of appointment as Class-IV	Date of passing type test.	Position in seniority list.
1.	Sh. Karan Singh	12.01.1998	21.02.2011 to 24.02.2011	37 OM
2	Sh. Akhter Hussain	15.11.1985	22.05.2017	54 RBA
3	Sh. Arun Singh	14.01.1988	21.02.2011 to 24.02.2011	57 RBA
4	Sh. Anil Singh	18.06.2011	22.05.2017	68 RBA

And, whereas, the promotion quota has been exhausted in the last DPC and now the remaining 8 vacant posts in Doda District are direct recruitment posts, which has been referred to the recruiting agency and the applicant cannot be considered for promotion, de hors the recruitment rules.

And, whereas, presently there are no vacancies of Jr. Assistant in Doda District, predominantly under promotion quota, as such, the applicant at this point of time cannot be considered for promotion in the absence of promotion quota vacancies of Jr. Assistant in Doda District.

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Now, therefore, the case of the applicant has been accorded consideration in compliance to Hon'ble Central Administrative Tribunal Orders and found devoid of merit, hence rejected.


Sd/-
(Dr. Rajeev K. Sharma)
Director Health Services,
Jammu

No:-DHSJ/Legal/ 4168-71

Dated: - 14/06/2023

Copy to the:-

1. Chief Medical Officer Doda for information.
2. Private Secretary to Secretary to Govt., Health and Medical Education Department for information.
3. HEB Section to upload the order on official website.
4. Sh. Anil Singh S/O Late Sh. Dhananter Singh R/O Village Pamassa Tehsil Thatthri, District Doda for information.


Dy. Director Health Services,
Jammu 