



सत्यमेव जयते

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

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Subject: - T.A.No./61/8495/2020 (SWP No.380/2008) titled Mohd Parvaiz Vs State of J&K & Ors.

ORDER

Whereas, Hon'ble Central Administrative Tribunal, Jammu Bench has disposed of the above titled Transfer Application, on 17-05-2022, with the judgement/Order whose operative portion reads as under:-

"In view of the above submissions, T.A. No. 61/8495/2020 is disposed of directing the respondents to consider copy of this O.A as representation of the applicant as per relevant provisions of applicable rules for reservation in promotion for various categories and also in view of the Supreme Court decision in R.K.Sabharwal(supra)."

Whereas, the applicant, has filed the writ petition in the Hon'ble High Court of J&K and Ladakh bearing SWP No. 380/2008 titled Mohd. Parvaiz Vs State of J&K and others which came to be transferred to Central Administrative Tribunal, Jammu Bench after transition and reorganization of erstwhile State of Jammu and Kashmir into Union Territory of Jammu and Kashmir and renumbered as T.A. No. 61/8495/2020, and;

Whereas, the petitioner/applicant in the writ petition has sought, amongst others, quashment of Order No. 1001-NG of 2007, dated 24-12-2007 whereby the private respondents have been promoted as Head Assistants in Health Department and their names shown in SOC category instead of showing them in the general category on the strength of their own seniority and has sought

further directions to the respondents to consider the name of the petitioner for promotion as Head Assistant under SOC category and to depute the petitioner for undergoing Secretariat Assistant Examination Course under Social Caste Category and further to give due and proper reservation to Social Caste category and to restrain the respondents from terminating/ousting the petitioner in the seniority list of Sr. Assistants at S.No.10 which is reserved for Social Caste Category and consequently treat him to have been promoted as Head Assistant on the same pattern and analogy on which private respondents have been promoted with all service benefits, and;

Whereas, the case of the petitioner is considered as per record and relevant rules prevalent at that time and observed that the petitioner was figuring at S.No. 223 under SOC category in the final seniority list of Senior Assistants of Jammu Division issued on 18-10-2007, and;

Whereas, the Divisional Departmental Promotion Committee meeting was held on 12-11-2007 and 13-11-2007 and the committee recommended promotion of various categories of posts including the post of Senior Assistant as Head Assistant. According to rule 9 of reservation rules issued under SRO-294 of 2005, the reservation in appointment by promotion for Social Caste is 1% and in the roster for promotion for 100 vacancies it comes at S.No. 10, and;

Whereas, the DDPC duly considered the reservation rule and gave due share to SOC category as the Private respondent No. 4 namely Smt. Chander Kanta who was figuring at S.No.11 under SOC category in the final seniority list of Senior Assistants of Jammu Division has been given promotion at roster point No. 10 under SOC category, and;

Whereas, the contention of the petitioner made in the writ petition, that the respondents with extraneous reasons omitted the name of S.No.1 in the seniority list namely Sh. Ghulam Mohd. Bhat and in his place candidate falling at S.No.2 was brought and as such, Chander Kanta who figured in the original seniority list at S.No.11 is brought at S.No.10 in the promotion list so as to dilute the share of reservation, is without merit as Ghulam Mohd Bhat was also considered for promotion in the same DDPC held on 12-11-2007 and 13-11-2007 and since he has been recommended for benefit of promotion as Head Assistant retrospectively w.e.f. 2/2004 on the analogy of his junior counterparts as such a separate speaking promotion order was issued vide No:- DHS/J/DDPC/NG/2007/8505-06, dated 24-12-2007.

Whereas, the petitioner was not deputed to undergo Secretariat Assistant Training Course as he stood at S.No. 223 in the final seniority list of Senior Assistants of Jammu Division and there were more incumbents senior to the petitioner as such could not be deputed at the cost of his senior counterparts.

Now, therefore, the claims stated by the petitioner in the O.A. is accorded consideration in compliance to Hon'ble Central Administrative Tribunal's order and in view of above stated factual position are found devoid of merit, hence rejected.

Sd/-

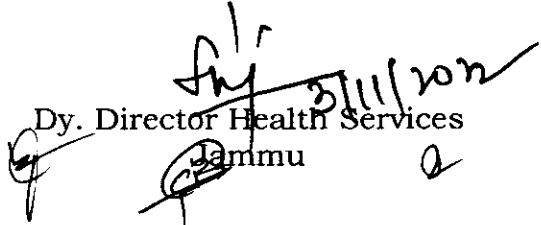
(Dr.Saleem-Ur-Rehman)
Director Health Services
Jammu

No:-DHSJ/Legal/10645-49

Dated: - 03 / 11 / 2022

Copy to the:-

1. Secretary to Government, Health and Medical Education Department, Civil Secretariat, Jammu/Srinagar for information.
2. Chief Medical Officer, Rajouri for information.
3. Incharge Official website, DHS, Jammu for information and N/A.
4. Establishment Section Es-4.
5. Sh. Mohd. Parvaiz S/O Lt. Mohd. Hafiz R/O Thanamang, Tehsil Darhal, District Rajouri for information.


Dy. Director Health Services
Jammu