

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1234/2023
CM No. 2921/2023

Rajeev Kumar Sharma and another

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

Through :- Mr. Y. E. Tak, Advocate with
Mr. Vidyansh Gupta, Advocate.

V/s

UT of J&K and others

....Respondent(s)

Through :- Ms. Monika Kohli, Sr. AAG.

**Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE**

ORDER
15.05.2023

1. The petition in hand has been filed by the petitioners being aggrieved of the non grant of the interim relief by the Central Administrative Tribunal in OA No. 337/2023 on 05.04.2023.
2. The grievance projected in the writ petition is that respondent no.2 i.e. Director General of Police, J&K has set in motion the process of promotion of Sub Inspectors of the J&K Executive Police to the posts of Inspectors from amongst the Sub Inspectors who are junior to the petitioners. Prayer made by the petitioners in this writ petition inter alia is for the stay of the aforesaid process.
3. It is submitted by Mr. Y. E. Tak, learned counsel for the petitioners that the Tribunal while passing the impugned order dated 05.04.2023 has not considered/appreciated the fact that the private respondents despite being junior to the petitioners have been promoted over and above them.
4. Mr. Y. E. Tak, learned counsel further submitted that in OA No.94/2022 involving the identical issue, the Srinagar Bench of the Central Administrative Tribunal on 18.02.2022 while admitting the OA has protected the

petitioners therein by staying the impugned order. It is also the submission of the learned counsel for the petitioners that the aforesaid order has been brought into notice to the learned CAT, Jammu Bench but the Tribunal has ignored the aforesaid order and has not maintained parity with the order passed by its own coordinate bench. In these circumstances, the petitioners having left with no option approached this court by way of filing the instant writ petition.

5. Heard.

6. Notice.

7. Notice is accepted by Ms. Monika Kohli, Sr. AAG for the respondents.

8. Since the petitioners have filed this writ petition for non grant of the interim order by the Tribunal and the application seeking interim relief is stated to be still pending before it, we deem it appropriate to dispose of this writ petition and a direction is issued to the Registrar, CAT, Jammu Bench, Jammu to list the OA No. 337/2023 along with application seeking interim prayer on 24.05.2023 and the parties are directed to represent themselves positively on the above date before CAT, Jammu Bench, Jammu.

9. Respondents shall file their response by or before the next date i.e. 24.05.2023 before the Tribunal.

10. On 24.05.2023, the Tribunal shall at the least consider prayer for grant of interim relief in favour of the applicants having regard to the order dated 18.02.2022 passed by the Tribunal, Srinagar Bench in OA No.94/2022 of course under rules.

11. Till next date before the Tribunal i.e. 24.05.2023, the respondent no.2 is directed to keep two posts of Inspectors vacant.

12. It is made clear that if the petitioners fail to represent themselves through their counsel on 24.05.2023 before CAT, Jammu Bench, in that

eventuality, the interim protection given by this court today shall be construed as automatically withdrawn.

13. The writ petition is disposed of.

14. A copy of this order be communicated to the Registrar, Central Administrative Tribunal, Jammu Bench, Jammu as well as to the respondent no.2 for compliance.

(Puneet Gupta)
Judge

(Tashi Rabstan)
Judge

Jammu:
15.05.2023
Raj Kumar