

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

WP (C) No. 433/2025
CAV No. 2327/2024

**1. Union Territory of J & K through,
Commissioner/Secretary to Government
Health & Medical Education Department
J & K Government, Jammu**

2. Director, Health Services, Jammu

.....Applicant(s)/Petitioner(s)

Through :- Ms. Monika Kohli, Sr. AAG

v/s

**Mohd. Parvaiz S/o Mohd. Hafiz R/o
Thanamandi, Tehsil and District Rajouri.
Pin code- 185135
e-mail: Parvaizquershigmail.com**

.....Respondent(s)

Through :- Mr. F.A. Natnoo, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER (ORAL)

07.10.2025

Sanjeev Kumar J

1. Impugned in this petition, filed by the Union Territory of J & K and others under Article 226 of the Constitution of India, is an order and judgment dated 07.11.2024 passed by the Central Administrative Tribunal, Jammu Bench [“**the Tribunal**”] in OA No. 1610/2022 titled Parvaiz vs. UT of J & K and Others, whereby the Tribunal has quashed the Order No. DHSJ/Legal/10645-49 dated 03.11.2022 issued by the Director Health Services, Jammu and directed him to promote the respondent as Head Assistant keeping in view his eligibility and

entitlement at the relevant point of time with all consequential benefits excluding the monetary benefits.

2. The impugned judgment is challenged by the petitioners, primarily, on the ground that the Tribunal has not appreciated the fact that the respondent lacked the basic eligibility prescribed for promotion to the post of Head Assistant and, therefore, had no right to claim promotion and locus to file petition. This submission of learned counsel for the petitioners is met by Mr. F.A. Natnoo, learned counsel for the respondent, by submitting that during the pendency of the litigation, the respondent has not only acquired the four years' service in the cadre of Senior Assistant, but has also qualified Secretariat Assistant training course. He, therefore, submits that the respondent is now eligible in all respects to be promoted to the post of Head Assistant.
3. Mr. F.A. Natnoo, learned counsel for the respondent fairly submits that the respondent would feel satisfied if a direction is issued to the petitioners to consider the case of the respondent for promotion either on the basis of his seniority position or on account of reservation provided to his category, i.e., OSC whichever occasion comes earlier.
4. Having regard to the submissions made by learned counsel appearing on both the sides and regard being had to the nature of relief prayed for, this petition is disposed of by directing the Director, Health Services, Jammu to consider the case of the respondent who is now eligible in all respects for the post of Head Assistant as per the roster position assigned to the category of OSC. The Director shall also accord consideration to the respondent for such promotion, if the occasion for

promotion on the basis of seniority position of the respondent comes earlier. The consideration to be accorded as and when next DPC for promotion to the post of Head Assistant is commenced, shall be strictly as per the Recruitment Rules r/w J & K Reservation Act, 2004 and the Rules framed thereunder.

5. The judgment of the Tribunal is modified to the aforesaid extent and this petition is disposed of accordingly.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
07.10.2025
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