

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

Case No. WP(C) No. 1447/2025
CM No. 3409/2025
Caveat No. 540/2025

UT of J&K and Anr.

.....Petitioner(s)

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

v/s

Shakti Devi

.....Respondent(s)

Through :- Mr. D.S. Chouhan, Advocate with
Ms. Damini Singh Chouhan, Adv.

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

ORDER(ORAL)

05.08.2025

Caveat No. 540/2025

1. Caveat stands ***discharged.***

WP(C) No. 1447/2025

2. This petition by the Union Territory of Jammu and Kashmir and Director General of Police, J&K Srinagar/Jammu (**DGP**) filed under Article 226 of the Constitution of India is directed against an order and judgment dated 23.04.2024 passed by the Central Administrative Tribunal, Jammu Bench (in short, "***the Tribunal***") in T.A. No. 61/2201/2020 titled, "***Shakti Devi Vs. State of J&K and Anr.***", whereby the Tribunal has, while quashing PHQ Order No. 1339 of 2018 dated 22.03.2018 passed by the respondent No. 2 (petitioner No. 2 herein), directed the petitioners before us to consider the case of the respondent, namely, Shakti Devi for "***out of turn***" promotion from the post of Inspector to Dy. Superintendent of Police based on her track record.

The exercise has been directed to be completed within a period of two months from the date of receipt of copy of judgment.

3. The impugned judgment is called-in-question by the petitioners, primarily, on the ground that the Tribunal has failed to appreciate that the case of the respondent was forwarded by the competent authority thrice, but the same was rejected on the ground that it was not falling within the purview of “*out of turn*” policy framed by the Government.

4. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the Tribunal is legally perfect and the view taken by the Tribunal is unexceptionable.

5. Briefly stated the admitted facts obtaining in the case are that in the year 2010, the respondent while she was posted in District Jammu as Sub-Inspector, came to be recommended by the Inspector General of Police, Jammu Zone (**IGP**) for ‘*out of turn*’ promotion to the rank of Inspector for having developed an information, which resulted in elimination of three militants of Lashker Taiba (LeT) outfit in Thannamandi area of District Rajouri on 10.08.2010. The recommendations made by the IGP were, however, rejected by the Committee on the ground that overall contribution of the respondent in operation under report did not warrant ‘*out of turn*’ promotion. In the year 2016 again, the case of the respondent was received by the DGP from the Principal Secretary to His Excellency the Governor of J&K for considering grant of ‘*out of turn*’ benefit in favour of the respondent in view of her exemplary performance within the State and outside the country. The PHQ prepared the case of the respondent for ‘*out of turn*’ promotion and forwarded it to the Principal Secretary to His Excellency Governor of J&K as well as the Home

Department vide Communication dated 05.02.2016 and 02.03.2016 respectively for further course of action. The Home Department vide its Communication dated 29.03.2016 returned the case of the respondent with a direction to the police headquarters to examine the matter in light of the existing '*out of turn*' promotion policy and forward a report thereof to the Government alongwith the APRs, Vigilance Clearance, Citation and present seniority position of the respondent for further examination by the Home Department.

6. Responding to the aforesaid Communication, the case of the respondent was once again recommended by the police headquarter to the Home Department, Government of Jammu and Kashmir for '*out of turn*' promotion as one time exception in relaxation to the relevant rules. This was done by the DGP vide its Headquarter's Communication dated 18.05.2016. The Home Department did not accept the recommendations, but called upon the police headquarter to clarify certain aspects including whether the persons, who were deployed with the United Nations Integrated Mission had been given the benefit of '*out of turn*' promotion or not. The information was collected by the headquarter and submitted to the Home Department for further necessary action. Once again, the Home Department returned the file with certain observations. The DGP called upon the IGP to furnish a report regarding consistent performance as well as contribution of the respondent, if any, on anti-militancy front as per the procedure laid down in the '*out of turn*' policy of the Government. In compliance, the IGP furnished a fresh report vide its Letter No. PS/0-5/2015/2000 dated 01.12.2016, but the same was not forwarded by the DGP on the ground that the similar citation and report stood already rejected by the Home Department and, accordingly, vide Order dated

22.03.2018, which was subject matter of challenge before the Tribunal, the case of the respondent for 'out of turn' promotion was rejected.

7. From the above narration of the admitted facts, it is abundantly clear that the report called for by the Home Department from the police headquarter was never submitted to the Department of Home for its placement before the Committee constituted for granting the 'out of turn' promotions, rather the case was disposed of by the DGP at its level, may be on the ground that a similar case forwarded earlier stood rejected by the Home Department. The Headquarter did not appreciate that after rejection of the case of the respondent for 'out of turn' promotion by the Home Department, the case had been once again recommended for grant of 'out of turn' promotion in relaxation to the policy guidelines. The headquarter was under an obligation to collect the entire material, as was sought for by the Home Department and submit a complete dossier/citation alongwith APR resume and Vigilance clearance etc. to the Home Department, leaving it to the later to take a final decision in the matter. It is in this context, the Tribunal has come to the conclusion that the matter was not dealt with by the authority competent to do so and was erroneously closed at the level of police headquarter, i.e., the office of DGP.

8. For the foregoing reasons, we do not find merit in this petition. The same is, however, **disposed of** by providing as under:-

- (i) That the report requisitioned by the Department of Home in reference to the recommendations made by the police headquarter vide its Letter No. Pers/M/-203/2016/29934 dated 18.05.2016, as is gathered from the Inspector General of Police, Jammu Zone alongwith other relevant material pertaining to the exceptional performance of the respondent shall be forwarded to the Home Department to take an appropriate decision in the matter. It would be appropriate, if

the Home Department places it before the Committee headed by the Chief Secretary, of which the Director General of Police and Secretary, Home Department are two members to take a final call in the matter.

- (ii) That the Committee shall evaluate the entire material on its merits and shall also have regard to the exemplary performance shown by the respondent during her entire service career including on the anti-militancy front.
- (iii) That the recommendations of the police headquarter for considering the case of the respondent for '*out of turn*' promotion in relaxation to Rules, if required, shall also be given due regard to.

9. Let the DGP place the entire material before the Secretary, Home Department within a period of two months from the date, a certified copy of this judgment is served upon him, so as to enable the Secretary, Home Department to place the matter before the Committee for taking a final decision in the matter. Let a final decision be taken by the Committee within a period of two months from the date, it is placed before the Committee.

10. The judgment of the Tribunal dated 23.04.2024 is modified to the aforesaid extent.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
05.08.2025
Ram Krishan