

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

WP(C) No. 3114/2023

Dev Anand

...Petitioner/Appellant(s)

Through:- Mr. Gagan Basotra, Sr. Advocate with
Ms. Navdeep Kour, Advocate

V/s

UT of J&K and Ors.

...Respondent(s)

Through:- Mr. Mayank Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

20.08.2025

1. The following reliefs have been claimed by the petitioner in the present writ petition:-

- (i) Allow the writ petition.
- (ii) An appropriate writ, order or direction in the nature of mandamus commanding the official respondents to promote petitioner to the post of Sanitary Inspector with consequential service benefits and monetary benefits including salary with increments for having worked against the post of I/C Sanitary Inspector with effect from the date when the respondent no.5 was promoted.
- (iii) An appropriate writ, order or direction in the nature of certiorari for quashment of Order No.JMC-523 dated 01-10-2011, whereby the respondent no.5 has been promoted Sanitary Supervisor and subsequently has been promoted as Sanitary Inspector with a further direction to quash the promotion of respondent no.6 as Sanitary Supervisor.
- (iv) Any other order, direction or relief which the Hon'ble Court may deem just fit and proper in the facts and circumstances of the case may also be granted."

2. The aforesaid reliefs, precisely, are being claimed by the petitioner on the ground that he belongs to Scheduled Caste Category. He was appointed as permanent SafaiKaramchari in the Jammu Municipal Corporation on 02.05.2005 and had unblemished service record. It is urged that, despite he being a

member of the Scheduled Caste category and senior to respondents 5 and 6, he has been ignored for such promotion, while as his juniors have been promoted as Sanitary Supervisor and Sanitary Inspector. Petitioner submits that he, being senior to respondents 5 and 6, is required to be promoted to the post of Sanitary Supervisor and also thereafter as Sanitary Inspector. The case of the petitioner is that he is working as Incharge Sanitary Inspector, but salary of Safai Karamchari is being paid to him.

3. Objections have been filed to this writ petition by the respondents. Their stand is that when respondent no. 5 was promoted, it was not in the knowledge of the respondents that petitioner belonged to Scheduled Caste category because he had not produced any such certificate before them earlier. It is submitted that the petitioner was issued such certificate only on 24.03.2023, therefore, he cannot claim retrospective benefits on the basis of the said certificate. He was regularised as Sanitation Worker in the year 2005, whereas his junior, respondent no. 5, was regularised in the year 2010, thereafter respondent no. 5 was promoted as Sanitary Supervisor in the year 2011 by the Departmental Promotion Committee for which meeting was held on 21.04.2011 on the basis of Scheduled Tribe category. It is also stated by the respondents in the objections that the petitioner was not considered for promotion in 2011, for the reason that he did not fall under any category (i.e., ST, SC, OSC or any other) at that point of time as he got

prepared/issued the Scheduled Caste category certificate in his favour only in the year 2022.

4. When this case was taken up for consideration today, the learned counsel for the petitioner submitted that he would be satisfied, in case a direction to the respondents is given to consider the case of the petitioner for promotion to the post of Sanitary Supervisor and then as Sanitary Inspector from the date, he produced the Scheduled Caste certificate before the respondents.

5. The fact that the petitioner belongs to Scheduled Caste category is not being disputed by the respondents.

6. The case of the petitioner is that he could not be promoted from the date when private respondents were promoted because he was not holding any such certificate. However, it is submitted by the learned counsel for the respondents that the case of the petitioner for promotion as Sanitary Supervisor and then as Sanitary Inspector can be considered from the date petitioner produced the certificate showing that he belongs to the Scheduled Caste category.

7. Keeping in view the submissions made at the bar by both the learned counsel for the parties, this petition would stand disposed of by providing that the respondents shall consider the case of the petitioner for promotion to the post of Sanitary Supervisor and then as Sanitary Inspector by taking into consideration such a certificate which has been produced by the petitioner showing that he belongs to the Scheduled Caste category. Let this process be completed within a period of two

months from the date a copy of this order is provided by the petitioner to the respondents.

8. Disposed of, accordingly, in the aforesaid terms.

(Vinod Chatterji Koul)
Judge

Jammu:
20.08.2025
Ved-Secy.

