

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

WP (C) No. 3022/2026
CM No. 6662/2026

Pronounced on: 21.09.2026
Uploaded on: 22.09.2026

UT of J&K and Others

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

Through :- Mr. Ravinder Gupta, AAG

v/s

Madhu Bala and Another

.....Respondent(s)

Through :- Mr. Anuj Dewan Raina, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE**

**ORDER
ORAL**

- 01.** Impugned in this petition, filed by the Union Territory of Jammu and Kashmir and others, under Article 226 of the Constitution of India, is the order and judgment dated 24.04.2025 passed by the Central Administrative Tribunal, Jammu Bench [**“the Tribunal”**] in O.A. No. 61/1053/2024, titled **“Madhu Bala & Anr. vs. UT of J&K & Others”**, whereby the Tribunal has, while allowing the O.A. No. 61/1053/2024 of the respondents, directed the petitioners herein to accord the benefit of promotion to them under 25 percent promotional quota reserved for graduate Anganwadi Workers with retrospective effect from the date they were made in-charge supervisors. The respondents have also been held entitled to all consequential benefits.

- 02.** Briefly put, the facts leading to the filing of this petition are that the respondents, being eligible to be promoted as supervisors under 25 percent quota, were made in-charge supervisors vide Order No. 2008 SMD of 2018 dated 29.08.2018. They continued to perform the duties of supervisor by receiving salary in their own pay and grade.
- 03.** Petitioners convened the Divisional Level Selection Committee meeting on 16.05.2023, wherein the respondents, amongst other similarly situated graduate Anganwadi Workers, were confirmed/cleared for appointment as supervisors with immediate effect. However, the matriculate Anganwadi Workers who had been made in-charge supervisors under 25 percent promotional quota mentioned for such category were regularized/appointed by selection as supervisors with effect from the date they were holding the post of supervisors in the in-charge capacity, which is apparent from Order No. 42 SMD of 2021 dated 25.01.2021.
- 04.** Feeling discriminated by the arbitrary action of the petitioners denying their appointment as supervisors retrospectively from the date they were holding the post in the in-charge capacity, the respondents filed O.A No. 61/1053/2024, before the Tribunal. The O.A was contested by the petitioners herein by submitting that due to some dispute with regard to fixation of seniority of graduate Anganwadi Workers, there was delay in convening the DPC for making selection to the post of supervisors, under the 25 percent quota meant for graduate Anganwadi

Workers. It is submitted that when the DPC met and the cases of the respondents were cleared, they were given the appointment as supervisor with immediate effect.

05. The Tribunal, after having considered the rival contentions and taking note of a judgment rendered by the Supreme Court in the case of **“Suraj Parkash Gupta & Ors. v. State of J&K & Ors., (2000) 7SCC 561”**, came to the conclusion that the respondents were entitled to be promoted, with effect from the date they had been holding the post of supervisor in in-charge capacity. It is this judgment of the Tribunal which is impugned before us in this petition.
06. Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the judgment passed by the Tribunal is perfectly legal and in accordance with the law and, therefore, does not call for any interference by us in exercise of extraordinary jurisdiction vested under Article 226 of the Constitution of India.
07. There is no dispute with regard to the fact that the respondents were eligible to be appointed as supervisors at the time, they were made in-charge supervisors. It is also not in dispute that the posts in their quota i.e. quota meant for graduate Anganwadi Workers, were also available. Respondents were made in-charge supervisors only because of inability of the petitioners to convene DPC. Had the petitioners taken immediate steps to fill up the post of supervisors in the promotional quota as

Anganwadi Workers in time, the respondents would have been regularly appointed as supervisors in the year 2018 itself.

08. Mr. Ravinder Gupta, learned AAG does not dispute that since the time, the respondents were made in-charge supervisors, they have been continuously performing their duties as supervisors. That being the position, the ratio of the judgment rendered by the Supreme Court in **“Suraj Parkash Gupta & Ors. v. State of J&K & Ors., (2000) 7SCC 561”** is clearly applicable.
09. That apart, we cannot lose site of the fact that similarly situated matriculate Anganwadi Workers, who were also placed as in-charge supervisors in the promotional quota meant for them, were later regularized/appointed as supervisors retrospectively from the date they were holding the post of supervisors in in-charge capacity. This is evident from Government Order No. 42 SMD of 2021 dated 25.01.2021. It is, thus, evident that in the matter of grant of retrospective benefit the respondents were subjected to hostile discrimination.
10. We could not find out any valid reason for denying them the relief of retrospective promotion viz-a-viz, the matriculate Anganwadi Workers, who were similarly placed and were made supervisors retrospectively from the date they were holding the post of supervisor in the in-charge capacity.

11. For the reasons given above and also the reasons contained in the judgment rendered by the Supreme Court, we could not find any fault in the impugned judgment.
12. This petition is found to be devoid of any merit and the same is, therefore, **dismissed**.

(Shahzad Azeem)
Judge

(Sanjeev Kumar)
Judge

JAMMU
21.09.2026
Sapna

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

