

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Date of Pronouncement: 04.03.2026

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WP(C) No.374/2026 CM No.976/2026

SUHAIL NABI CHINTSAZ

...Petitioner/Appellant(s)

Through: Mr. Tasaduq H. Khawaja, Sr. Advocate with
Mr. Imaan Abdul Muizz, Advocate.

Vs.

UT OF J&K AND OTHERS

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy.AG.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

04.03.2026

(ORAL)

1. The petitioner in the instant petition states to be an employee of Srinagar Municipal Corporation (for short SMC) initially holding the post of Assistant Revenue Officer on substantive basis being a Level-7 post and a feeding post for promotion to the post of Assistant Secretary (General) a Level-8 post and that being senior and eligible for promotion to the said post, the petitioner was posted as Incharge Assistant Secretary (General) in his own pay and grade in the year 2017 and also paid charge allowances thereof.

2. It is also stated by the petitioner that the post of Chief Revenue Officer borne on the establishment of SMC being a Level 10-A post is to be filled up in the hierarchy from Level-8 post by way of promotion and that the petitioner being a senior most Incharge Level-8 officer and eligible for promotion to the said post of Chief Revenue Officer came to be assigned the duties of said post in the year 2021 in addition to own duties and also paid even charge

allowances thereof, and that the petitioner herein has also been holding the said post of Chief Enforcement Officer besides discharging his functions as J&K Real Estate Regulator Authority.

3. The short grievance of the petitioner as is projected in the instant petition is that, though the process of his substantive promotion to the post of Assistant Secretary (General) and Chief Revenue Officer came to be initiated by the SMC yet, it failed to convene a Departmental Promotion Committee in this regard and also failed to follow mandate of SRO 166 of 2005, which provides that department shall refer the vacancies to the Departmental Promotion Committee or Public Service Commission twice a year for consideration of promotion to the available post and that since the SMC failed to accord consideration to the promotion of the petitioner herein thereof by convening of Departmental Promotion Committee, respondent SMC jeopardized the service career of the petitioner herein, necessitating the filing of instant petition.

4. Mr. Tasaduq H. Khawaja, Senior Advocate, appearing counsel for the petitioner, while making his submissions in line with the case set up in the instant petition, would candidly seek disposal of the instant petition at this stage seeking an innocuous nature of relief that the petition be disposed of with a direction to the respondents to convene requisite Departmental Promotion Committee for making promotions against the post/s in question considering all eligible officers, including the petitioner herein, without any further delay at an earliest.

5. Mr. Ilyas Nazir Laway, G.A and Mr. Bikramdeep Singh, Dy.AG, appearing counsel for the respondents 1 and 2&3 respectively present, on

asking of the Court enter appearance and are not averse either to the disposal of the petition or prayer made by counsel for the petitioner.

6. In view of the aforesaid position obtaining in the matter, the instant petition is disposed of at this stage with the consent of appearing counsel for the parties with a direction to the respondents to convene a requisite Departmental Promotion Committee in accordance with law for considering all eligible officers, including the petitioner herein for promotion to the post in question being the posts of Assistant Secretary (General) a Level-7 and Chief Revenue Officer a Level 10-A posts. The consideration be accorded in accordance with applicable rules, regulations, norms and policy, if any, in place.

Let the aforesaid exercise be undertaken and concluded by the respondents within six weeks from the date a copy of this order is produced by the petitioner before the respondents.

SRINAGAR
04.03.2026
Ishaq

(JAVED IQBAL WANI)
JUDGE

<i>Whether the order is speaking ?</i>	<i>Yes/No</i>
<i>Whether approved for reporting ?</i>	<i>Yes/No</i>