Serial No. 2

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

SWP No. 2720/2010
IA Nos. 212/2012, 3827/2010, 2559/2011

Guru Dutta Bhatt .....Appellant(s)/Petitioner(s)

Through: Ms. S. Kour, Sr. Advocate with
Mr. Michael Singh Dogra, Advocate.

vs

UOI and others ..... Respondent(s)

Through: Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER(ORAL)
12.11.2026

1. The petitioner has filed this petition for quashing order dated 07.01.2010 issued by the respondents, whereby the representation submitted by the petitioner for amendment/rectification of seniority list has been rejected as being time barred and for further issuance of directions to the respondents to place the petitioner ahead of private respondents i.e. S. C. Saxena and Hari Ram in the central seniority list for the post of Inspector/JE (Electrical).

2. The respondents have filed the response, thereby objecting to the writ petition on various grounds. However, during the pendency of this writ petition, the petitioner came to be promoted as Assistant Commandant (Electrical) with effect from 26.10.2012.

3. Ms. S. Kour, learned Senior Counsel appearing for the petitioner submits that the respondent No. 5 has already expired and at this stage the petitioner is only seeking consideration of his claim for promotion

as Assistant Commandant (Electrical) with effect from 30.12.2011 when the other eligible candidates were considered and promoted as Assistant Commandant (Electrical) for the vacancy year 2011-12 and the petitioner was not considered only because of the fact that this Court, vide order dated 05.09.2011 passed in CMP No. 2559/2011, had kept one post of Assistant Commandant (Electrical) vacant. She has further drawn the attention of this Court towards communication dated 08.05.2007 addressed by the Deputy Inspector General (Staff) to Head Quarter Special DG (WC) Border Security Force, Chandigarh, more particularly Paras (7) and (8) to assert that the case of the petitioner was not considered by the DPC held on 05.09.2011 (Supra) only because of order dated 05.09.2011.

4. Mr. Vishal Sharma, learned DSGI has submitted that because of the directions issued by this Court in two separate writ petitions preferred by one N. C. Mishra and the petitioner, the petitioner and N. C. Mishra were not considered in the DPC held in the month of November 2011, but after the writ petition preferred by N. C. Mishra was disposed of by this Court in terms of order dated 20.03.2012, he was considered in the DPC held on 11.07.2012, but he was not found suitable for promotion. He further submits that because of directions issued by this Court, the claim of the petitioner was not considered in DPC held in the month of November 2011.

5. After hearing learned counsel appearing for the parties, more particularly as the controversy has narrowed down only to the issue of granting promotion with effect from 30.12.2011, this court deems it

appropriate to direct the respondents to consider the claim of the petitioner for grant of promotional benefits on notional basis with effect from 30.12.2011 on the analogy of similarly situated candidates because the case of the petitioner was not considered for promotion in the DPC held on 09.11.2011 solely on the ground that this Court had kept one post of Assistant Commandant (Electrical) vacant in terms of order dated 05.09.2011. Mere keeping of one post as reserved cannot prejudice the claim of the petitioner for grant of promotional benefits particularly when he was promoted on the vacancy reserved by this Court for the year 2011-12.

6. In view of the above, the present writ petition is disposed of by directing the respondents to consider the claim of the petitioner for grant of promotional benefits on notional basis only with effect from 30.12.2011 i.e. the day when the similarly situated candidates were promoted to the post of Assistant Commandant (Electrical).

7. This Court is sanguine that the necessary order shall be passed by the respondents within a period of three months from the date of receipt of certified copy of this order.

8. Disposed of along with the connected applications.

(RAJNESH OSWAL)
JUDGE

Jammu
12.11.2026
Sahil Padha

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I attest to the accuracy and
integrity of this document