

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU

LPASW No. 235/2001

Date of order: 21.11.2013

M. D, J&K S. R. T. C & anr.

v.

Rattan Lal Sharma & ors.

Coram:

Hon'ble Mr. Justice M. M. Kumar, Chief Justice.

Hon'ble Mr. Justice Hasnain Massodi, Judge.

Appearing counsel:

For the appellant(s) : Mr. R. Koul, Advocate.

For the respondent(s) : Mrs. Surinder Kour, Sr. Advocate with
Mr. Rajiv Gorka, Advocate,

i) Whether approved for reporting in Law journals etc.: Yes/No.

ii) Whether approved for publication in press: Yes/No.

M.M.Kumar, CJ

1. The instant appeal under Clause 12 of the Letters Patent is directed against the judgment and order dated 19.07.2000 passed by the learned Single Judge of this Court in SWP No.1146/1997, holding that the writ petitioner-respondent No.1, who was working as washerman for the last 20 years in the Jammu and Kashmir State Road Transport Corporation-appellant was entitled to be considered for promotion as Conductor as the persons junior to him have already been promoted either as Conductors or Junior Assistants. The appellant did not file any counter to rebut the assertions made by the petitioner. Accordingly, writ petitioner-respondent was held entitled to same benefits which were given to the persons junior to him. The benefits were required to be extended with effect from the date preceding three years of filing of the writ petition. Another direction was issued to

count the benefits and pay to the writ petitioner within three months from the date a copy of the order made is available. In case of any delay, interest @ 12% was to accrue in favour of the writ petitioner-respondent.

2. During the course of hearing, it transpires that the aforesaid directions issued by the learned Single Judge have been implemented vide order dated 26.05.2001. A copy of the order is taken on record as mark "X". According to the order, the writ petitioner-respondent has been promoted as Conductor with effect from January, 1994 with all service benefits. The order was made subject to the result of the instant Letters Patent Appeal. A period of more than 13 years has gone by since passing of the directions and more than 12 years since passing of the order by the appellant. The writ petitioner-respondent is a low paid employee and at this stage we do not wish to determine the controversy in appeal as the order already stand implemented. Accordingly order dated 26.05.2001 is made absolute.

Appeal stands disposed of.

(Hasnain Massodi)
Judge

(M. M. Kumar)
Chief Justice

Jammu,
21.11.2013
Vijay.