

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

CPSW No. 172/2017

CM No. 4331/2020

CM No. 2078/2022

CM No. 2079/2022

Rattan Lal

.....Appellant(s)/Petitioner(s)

Through: Mr. Anchit H Sharma, Advocate

Vs

Shailendra Kr. Secy. Industries & Anr.

..... Respondent(s)

Through: Ms. Palvi Sharma, Assisting Counsel vice
Mr. Ravinder Gupta, AAG

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

This Court vide order/judgment dated 30th of May 2016 has been pleased to observe as under:

“6. I have heard learned counsel for the parties and am of the view that since the post against which the petitioner was allowed to work falls under the Direct Recruitment Quota and the said post stands referred to the SSRB for recruitment thereof, the claim of the petitioner for being regularized against the same is not maintainable. In any case, no arguments have been advanced qua claim for regularization on the basis of which regularization is claimed. Besides it is the positive stand of the respondents that the claim of the petitioner for promotion would be considered on availability of post of Jr. Craft instructor under the promotion quota in accordance with rules applicable since as at present no post of Jr. Craft Instructor is available in the department for promotion quota.

7. In view thereof, while holding that the petitioner has no right to be regularized against the post of Jr. Craft Instructor under

direct recruitment quota, it is made that respondents would abide by the stand taken in paragraph 5 of the objections to MP No. 01/2015 and consider the claim of the petitioner for promotion to the post of Jr. Craft Instructor in accordance with rules applicable on availability of the post under the said quota”.

Compliance report has been filed by the respondents in the aforesaid contempt petition, and specific stand has been taken in para 3 of the aforesaid compliance report, that the case of the petitioner has been examined/considered in accordance with the relevant Departmental Subordinate Services Recruitment Rules in force and rejected vide order No. 35 HD of 2018 dated 17th of January 2018 on the ground that the promotion from Orderly cum Chowkidar to the post of Jr. Craft Instructor in promotion quota is to be made on the basis of qualifying the practical test to be conducted by the Department as and when any post of Jr. Craft Instructor under the said quota becomes available.

As per the specific stand taken by the respondents that there is no post of Jr. Craft Instructor in the Carpet Weaving Craft available with the department under promotion quota and the post against which the petitioner is working belongs to direct requirement quota against which the petitioner cannot be regularized/promoted.

In the light of the aforesaid stand taken by the respondents, a detailed consideration order has been passed by the respondent which has been placed on record as Annexure R-1 with the aforesaid compliance report.

I have perused the consideration order passed on 17th of January 2016 vide No 35 HD of 2018 by virtue of which the case of the petitioner was examined by the department in light of the direction passed by this Court

wherein a direction has been issued to the respondents to abide by the stand taken in para 5 of the objections to MP No. 1 /2015 and to consider the claim of the petitioner of said promotion against the post of Jr. Craft Instructor in accordance with rules applicable on availability of the post to the said quota besides holding that the petitioner had no right to be regularized against post of Jr. Craft Instructor under the direct recruitment quota.

The order/ judgment passed by this Court has been complied with in letter and spirit and detailed order of consideration has been passed. Nothing survives in the present contempt petition.

Accordingly, the contempt proceedings are closed.

Petitioner is, however, at liberty to challenge the aforesaid order dated 17th of January 2018 vide No. 35 HD of 2018 by way of appropriate proceedings ,if, he so desires.

(Wasim Sadiq Nargal)
Judge

Jammu
31.10.2022
Javid Iqbal

