



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

WP (C) No. 2676/2025

**1. UT of J & K acting through
Commissioner Secretary to the Govt.,
Agriculture Production Department,
Civil Secretariat, Jammu.**

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

**2. Director,
Directorate of Agriculture,
Jammu, Gole Pulli, Talab Tillo,
Jammu.**

Through :- Mr. Suneel Malhotra, GA

v/s

**Dharminder Singh, S/o Sh. Isheri Singh,
R/o Pangara, Tehsil Udhampur,
District Udhampur-182125.**

.....Respondent(s)

Through :-

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER (ORAL)
26.09.2025**

(Sanjeev Kumar J)

1. The UT of J & K along with Director, Directorate of Agriculture, Jammu is before us in this petition filed under Article 226 of the Constitution of India seeking to throw challenge to an order and judgment dated 28.11.2024 passed by the Central Administrative Tribunal, Jammu Bench, Jammu [**“the Tribunal”**] in OA No. 61/912/2022, whereby the Tribunal has, while allowing the OA of the respondent, quashed the promotion order of the respondent as Field Assistant-III and directed the petitioners herein to promote him to the post of Field Assistant-II in terms of Jammu & Kashmir Agriculture (Subordinate) Service Recruitment Rules, 2017 [**“the Rules of 2017”**].



2. Briefly stated, the facts leading to the filing this petition are gathered from the pleadings and from the judgment impugned, are that the respondent was appointed as Watchman by the Agriculture Development Department vide Order No. 192/E of 2020 dated 30.06.1998 in the pay scale of 2550-3200. The respondent at the time of his appointment was a matriculate and during his service, he also successfully completed his Basic Agriculture Training (BAT) from SKAUST, Jammu in the year 2005-06. On the basis of seniority, the respondent came to be promoted as Gardener-cum-Operator in the pay scale of 2610-3540 w.e.f. 01.09.2010 in terms of Jammu & Kashmir Agriculture (Subordinate) Service Recruitment Rules, 2004 [**“the Rules of 2004”**], which were then in force. The Rules of 2004 later came to be replaced by the Rules of 2017.
3. The respondent, who was holding the post of Gardener-cum-Operator since 01.09.2010, was considered and promoted as Field Assistant-III w.e.f. 01.02.2017 in terms of Order No. 427/E of 2018 dated 01.08.2018 issued by Petitioner No. 2 herein.
4. Feeling aggrieved and dissatisfied by the order of his promotion to the post of Field Assistant-III instead of Field Assistant-II, the respondent filed various representations before the petitioners and the last one was filed in the year 2021. When no decision on his representations made by the petitioners was taken in his favour, the respondent approached the Tribunal by way of OA No. 61/912/2022, which has been decided in favour of the respondent, in terms of the order and judgment impugned in this petition.
5. Having heard learned counsel for the petitioners and perused the material available on record, we are of the considered opinion that



the judgment impugned passed by the Tribunal does not suffer from any legal infirmity and, therefore, deserves to be maintained.

6. Indisputably, the respondent was promoted as Gardener-cum-Operator w.e.f. 01.09.2010. The post of Gardener-cum-Operator falls in Class VII category B-(Executive) of Schedule II of the Rules of 2017, however, the post of Field Assistant-II falls in Class V category "A" of Schedule-II and is provided to be filled up in the following manner:

- i. **75% by promotion from Class-VI category "A" having at least three (03) years substantive service as such.**
- ii. **25% by promotion from Class VII category "A" from amongst the persons with matric and BAT with at least five (05) years substantive service as such.**

It is further provided that **in case of non-availability of BAT candidates, the posts shall be filled up by direct recruitment, in a recruitment year.**

7. From a reading of the aforementioned entry, it is found that 25% of the posts of Field Assistant-II figuring in category "A" of Class V are required to be filled up from candidates possessing following qualifications:

- a. **He shall be holding the post in Class-VII category "A".**
- b. **He should be matric with BAT.**
- c. **He should have at least five (05) years substantive service as such.**

So far as the respondent is concerned, there is no dispute that he possesses the qualification of matric and BAT and the post of Gardener cum Operator falls in category "A" of Class VII. The respondent having been promoted to the post of Gardener-cum-Operator w.e.f. 01.09.2010 also possessed more than 05 years



service in Class VII-A on the date he was considered for promotion in the year 2018. Unless it is case of the petitioners that no post in the quota was earmarked for Class VII-A, was available for promotion, the right for consideration of the promotion to the Field Assistant-II could not have been denied to the respondent that too when he was figuring at S. No. 1 of the seniority list of Gardener-cum-Operator and other allied posts figuring in Class VII-A.

8. It is true that there is some delay on the part of the respondent in approaching the Court, however, having regard to the fact that he had been making representations before the petitioners and his claim was rejected without indicating any reasons, we deem it appropriate to ignore the aspect of delay.
9. In view of the clear rule position emerging in the case, we have no manner of doubt that in the year 2018 when the respondent was promoted as Field Assistant-III w.e.f. 01.02.2017, he was entitled to and ought to have been promoted to the post of Field Assistant-II.
10. For all these reasons, we fully concur with the view taken by the Tribunal and uphold the judgment impugned passed by the Tribunal.
11. In view of the above, **this petition is found devoid of any merit and the same is, accordingly, dismissed.**

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
26.09.2025
Manan

<i>Whether the order is speaking :</i>	<i>Yes/No</i>
<i>Whether the order is reportable :</i>	<i>Yes/No</i>