



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.61/481/2020 (SWP.No.2195/2002)

This the 4th day of November, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Sadiq Hussain, S/o Jamal Din, Aged 32 years, R/o Shahdara Sharief, Tehsil Thanamandi, District Rajouri.

...Applicant

(By Advocate : Mr. K.M. Bhati)

Versus

1. State of Jammu and Kashmir through its Chief Secretary, Finance Department, Civil Secretariat Jammu/Srinagar.
2. Commissioner / Secretary to Govt. General Administration Department, Civil Secretariat, Jammu / Srinagar.
3. Public Service Commission, through its Secretary, Jammu and Kashmir, Jammu / Srinagar.

...Respondents

(By Advocate : Mr. Sudesh Magotra, Deputy Advocate General and Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)**Justice L Narasimha Reddy, Chairman:**

The Public Service Commission for the State of Jammu & Kashmir, the 3rd respondent herein, initiated steps for selection for the post of Junior Scale KAS Officer (5 vacancies) and other services (204 vacancies). The applicant is one of the candidates and he belongs to ST. In the ultimate selection, he did not figure. He filed SWP.No.2195/2002 before the Hon'ble High Court of Jammu & Kashmir, claiming various reliefs. According to him, the 21 posts ought to have been reserved for ST, whereas 20 posts were made available. He further stated that the candidate at Serial No.7 did not join and the said vacancy ought to have been offered to him. Another prayer was that certain vacancies were required to be carried forward in the year 2000, and had that been done, the applicant would have been considered against such vacancies.

2. The respondents filed a counter affidavit. It is stated that the number of posts for each category were different and reservation was also worked out accordingly. They have furnished the break up for each category. The details of the selected candidates under various categories are also furnished.



As regards the ST candidate, who did not join, it is stated that he approached the Hon'ble High Court of Jammu & Kashmir, and on the basis of the directions issued therein, he was permitted to join at a belated stage. So far as the applicant is concerned, it is stated that he does not figure anywhere in the merit, even if another vacancy is made available against ST.

3. The applicant filed a rejoinder contradicting the various contentions raised in the counter affidavit.

4. In view of the re-organization of the State of Jammu & Kashmir, and establishment of the Jammu Bench of the Central Administrative Tribunal, the Writ Petition was transferred to this Tribunal, and it is renumbered as TA.No.481/2020.

5. Today, we heard Mr.K.M.Bhati, learned counsel for the Applicant, Mr.Amit Gupta, learned Additional Advocate General, for the Respondents, in detail.

6. The subject matter of the TA is the selection to the Junior Scale KAS Officer and other services, which had taken place in the year 2002. The principal contention of the applicant was about the allocation of posts for ST. According to him, 208 posts



were available and 10% of that would work out to 20.8, and when rounded off to the next integer, it would be 21. There appears to be lack of understanding in this behalf. The very assessment of the applicant in this behalf is that the 208 vacancies available for particular category is not correct. The respondents have stated that the 05 vacancies were available for Junior Scale and 204 vacancies for other services. The fact is that total vacancies are 204, and 20 were reserved for ST. Even if one goes by the principle of rounding off the fraction to the next integer, there would not be any increase in the posts for ST. The respondents have selected 20 candidates belonging to ST. Therefore, the plea of the applicant that one more ought to have been allotted does not merit consideration.

7. It is true that a candidate at Serial No.7 did not join within time and in the ordinary course it ought to have been offered to the next candidate, in the merit list. However, the record discloses that the candidates approached the Hon'ble High Court and on the basis of the directions issued by the Hon'ble High Court, the respondents have permitted them to join. The result is that all the 20 ST candidates, who were selected, have joined service.



8. The applicant has raised contentions as regards carrying forward of vacancies. This plea, if at all, was required to be considered at the relevant stage. The selection itself has taken place in the year 2002 and to examine the state of affairs that exist much prior to that, would not be feasible at all.

9. The learned counsel for the Applicant claimed that inspite of repeated directions by the Hon'ble High Court, the respondents did not produce record. We cannot express any view on that, particularly at this stage.

10. We do not find any merit in this TA and the same is accordingly dismissed. There shall be no order as to costs.

(Ms. Aradhana Johri)
Member (A)

(Justice L Narasimha Reddy)
Chairman

Dsn