

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JAMMU BENCH, JAMMU**

**Hearing through video conferencing**

**Original Application No. 61/651/2020**

**Friday, this the 9<sup>th</sup> day of October, 2020**

**Hon'ble Mr. Rakesh Sagar Jain, Member (J)**  
**Hon'ble Mr. Pradeep Kumar, Member (A)**

Surinder Kumar age 32 years,  
S/o Sh. Som Nath, R/o. Village Pukhami,  
Tehsil Kharahballi, Block Khour District Jammu (J&K). .... **Applicant**

**(By Advocate : Mr. Monish Chopra)**

**V e r s u s**

1. Union Territory of J&K, through Commissioner/  
Principal Secretary to Government, Co-operative Department,  
J&K, Civil Secretariat, Srinagar, 150 A/B, 1<sup>st</sup> Floor.
2. Government of Jammu and Kashmir, through Secretary,  
Service Selection Board, Sehkari Bhawan, Rail Head,  
Jammu & Zum Zum Building, Rambagh, Srinagar.
3. Registrar Cooperative Societies, J&K, Rajinder Nagar,  
JDA, Phase-1, Ban Talab, Jammu & SDA Colony,  
Bemina Bye-Pass, Srinagar.
4. Deputy Registrar/District Audit Officer,  
Cooperative Societies, Jammu, Rajinder Nagar,  
JDA, Phase-1, Ban Talab, Jammu. .... **Respondents**

## **O R D E R (Oral)**

### **Hon'ble Mr. Pradeep Kumar, Member (A) –**

1. The applicant herein was a candidate for recruitment to the post of Junior Supervisor/Sub Auditor in Cooperative Department, for which applications were invited by J&KSSB on 1.9.2015. There were 5 vacancies, out of which 4 were unreserved and 1 was reserved for Residents of Backward Area (RBA). Applicant applied for RBA category. The final select list was issued on 11.4.2018. Applicant was waitlist no. 1. In respect of selected candidate, a remark was shown that recommendation is withheld subject to production of bonafide certificate.
2. It is alleged that the selected candidate was eventually appointed on 16.11.2018, despite continuing objection. The instant applicant also represented from initial stage itself that the appointed candidate does not have requisite qualification as his degree was alleged to be fake. These efforts were not successful.

His RTI querry to J&KSSB, about qualification of the selected candidate, was first referred to the selected candidate, for seeking his consent to provide such information to the applicant but the information was eventually denied vide letter Dt. 9.4.2019, on the plea that no public interest will be served by giving such information to applicant.

However, eventually, the respondents verified the qualification, which was found to be fake. Thereafter, that appointment was cancelled by Registrar Cooperative Societies, J&K, on 30.5.2019.

3. The applicant is pleading for his appointment as he was wait list no 1 and has requisite eligibility from all angles. He made representation on 8.7.2019. Since this has not been accepted so far and his grievance has not been redressed, the instant OA has been filed.
4. Matter has been heard. Issue notice.
5. At this stage, the learned counsel for the applicant submitted that it would be in the interest of justice if the O.A is disposed of at this stage, by granting him an opportunity to file a detailed representation to the respondents and thereafter a direction to the respondents to dispose of the said fresh representation within a stipulated period of time under advice to the applicant.
6. In view of the above submission made by the applicant's counsel, O.A is disposed of at this stage, without going into merits of the case, with a direction to the applicant to file a detailed representation within a period of 15 days from the date of receipt of a copy of this order and thereafter the respondents/competent authority shall consider and decide the said representation of the applicant by passing a reasoned and speaking order within a period of two months thereafter, from the date of receipt of such representation from the applicant, under advice to the applicant.

The applicant shall have right to agitate the matter in case his grievance still subsists. No costs.

**(PRADEEP KUMAR)**  
**MEMBER (A)**

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**

“SA”