

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAMMU BENCH, JAMMU

Hearing through video conferencing

T.A.No. 61/969/2020
&
M.A.No.1175/2020 in T.A.No.61/969/2020

Tuesday, this the 27th day of October, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed Member (A)

1. Ghulam Murtaja, S/o. Sh. Mohd. Ishaq, R/o. Bhera Tehsil, Mendhar, District Poonch, age 35 years.
2. Abdul Rashid, S/o. Sh. Mehandi, R/o. Gurdhan paid Tehsil & District Rajouri, aged 32 years.
3. Mohd. Alyas Wani, S/o. Sh. Abdul Karim Wani, R/o. Billawar Tehsil Billawar, District Kathua, aged 33 years.

..... **Applicants**

(By Advocate : Mr. Surinder Kour)

V e r s u s

1. State of Jammu and Kashmir, through Chief Secretary, Government of Jammu and Kashmir, Civil Secretariat, Srinagar.
2. Commissioner/Secretary to Government, Higher Education Department, J&K Government, Civil Secretariat, Srinagar.
3. Jammu and Kashmir Public Service Commission, Polo Ground, Srinagar through its Chairman.
4. Chairman, Jammu and Kashmir Public Service Commission, Polo Ground, Srinagar.
5. Secretary, Jammu and Kashmir Public Service Commission, Polo Ground, Srinagar.
6. Controller of Examination, Jammu and Kashmir Public Service Commission, Polo Ground, Srinagar.

..... **Respondents**

(By Advocate : Mr. Amit Gupta, AAG)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The respondents initiated steps for filling up the post of Lecturer at 10 + 2 level, in the subject of Information Technology, vide notification dated 09.03.2009. The applicants are said to have obtained the necessary qualifications through distance mode. The respondents, however, did not recognize the same. Hence, they filed Writ Petition (S) No.1446/2010 before the Hon'ble High Court of Jammu & Kashmir. The Writ Petition was pending and it has since been transferred to this Tribunal after it was constituted.

2. We heard Mr.Surinder Kour, learned counsel for the Applicants and Mr.Amit Gupta, learned Additional Advocate General, for the Respondents.

3. The notification was issued way back in the year 2009. It is no doubt true that the Hon'ble High Court passed an interim order permitting the applicants to be interviewed. However, neither the selections were stayed nor any direction was issued to keep the selection process in abeyance. Even if it is a fact that the applicants are interviewed, the fact remains that all the posts are filled up and the selected candidates are working for the past one decade. No useful purpose would be served by undertaking any adjudication at this stage. The learned counsel for the Applicant also submits that inspite of her best efforts, she could not get instructions from the applicants.

4. We, therefore, dismiss the TA as infructuous. However, we make it clear that in case the applicants have any subsisting right, it shall be open to them to file an application for reopening the TA.

5. The MA.No.1175/2020 stands disposed of

6. There shall be no order as to costs.

(MOHD. JAMSHED)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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