



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.3588/2020
(S.W.P. No.2415/2002)

Thursday, this the 10th day of December, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

1. Ali Mohd; aged 38 years, S/o Sh. Mohd Assadullah, Dar R/o Village Haweli, Tehsil Bhaderwah, District Doda.
2. Mohd Amin, aged 38 years, S/o Sh. Mir Baaz, R/o Chakra Bhathi, Tehsil Bhaderwah, District Doda.
3. Varinder Singh, aged: 39 years, S/o Sh. Bhag Singh, R/o Kanhal, Tehsil and District Doda.
4. Nazir Ahmed Akhoon, aged: 31 years, S/o Late Moulvi Ab. Rashid, R/o Village Gundna, Tehsil and District Doda.
5. Bushra Begum, aged: 29 years, D/o Mohd Abdullah, R/o Doda Tehsil and District Doda.
6. Mohd Iqbal Misgar, aged: 41 years, S/o Ghulam Mohd Misgar, R/o Village Barshalla, Tehsil and District Doda.
7. Swami Raj, aged: 39 years, S/o Shanker Lal, R/o Kehote, Tehsil and District Doda.
8. Dwarka Singh, aged: 38 years, S/o Sh. Zorawar Singh, R/o Kanhal, Tehsil and District Doda.
9. Bimla Devi, aged: 39 years, D/o Sh. Zorawar Singh, R/o Kanhal, Tehsil and District Doda.
10. Shadi Lal, aged: 39 years, S/o Sh. Chatru Ram, R/o Kanhal, Tehsil and District Doda.
11. Nissar Ahmed Mouchi, aged: 38 years, S/o Shamus-ud-din R/o Village Thalran, Tehsil Gundoh District Doda.
12. Ali Mohd, aged: 34 years, S/o Noor-ud-din R/o Bhallasa. Tehsil Gundoh District Doda.
13. Mohd Ashraf Bhat; aged 35 years, S/o Mohd Shafi Bhat R/o Village Guwari, Bhallasa Tehsil Gundoh District Doda.
14. Ved Raj, aged: 41 years, S/o Galoudha Ram, R/o Barshalla Tehsil and District Doda.

...Applicants

(Mr. Nishant Shukla, Advocate for Mr. Rahul Pant, Advocate)

Versus



1. State of Jammu and Kashmir, through Chief Secretary, Civil Secretariat, Srinagar.
2. Commissioner-cum-Secretary to Govt., Department of Education, J&K Government, Civil Secretariat, Jammu.
3. Commissioner-cum-Secretary to Govt., Department of Health and Medical Education, J&K Government, Civil Secretariat, Jammu.
4. Chief Education Officer, Doda.
5. Chief Medical Officer, Doda.
6. District Development Commissioner, Doda.
7. Director, Animal Husbandary Department, Jammu.
8. Mohd. Shafi, S/o Abdul Khaliq Bhat, R/o Kulhand, Tehsil and District Doda.
9. Zarina Banoo, D/o Abdul Karim Sheikh, R/o Doda.
10. Shamas Din, S/o Abdul Gani, R/o Village Mankan Bijarani, Tehsil and District Doda.
11. Rishi Kumar, S/o Late Sh. Madhu Lal, R/o Village Gali, Tehsil Thathri, District Doda.
12. Mohd. Iqbal Lone, S/o Abdul Aziz Lone, R/o Village Nowpachi (Marwah), District Doda.

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The administration of Doda District of Jammu initiated steps for appointment of Class-IV employees in the year 1994. About 248 persons were appointed in the process. The applicant and various others were also considered. Alleging that serious irregularities have taken place in the selection, the applicants and others filed S.W.P. No.314/1994 in the Hon'ble High Court of Jammu & Kashmir. The S.W.P. was disposed of on 12.02.1998 without disturbing the appointments made earlier, but directing that the writ petitioners shall be



considered for being appointed against the available vacancies. The order of the learned Single Judge is said to have been confirmed in the L.P.A. No.727/1999.

2. It is stated that the respondent Nos. 8 to 12, who were some of the petitioners in the said L.P.A. were appointed in December 1998, whereas the applicants herein were appointed in the year 2000. The applicants filed S.W.P. before the Hon'ble High Court of Jammu & Kashmir for the writ of mandamus, directing the respondents to give effect to the appointments of the applicants from 30.12.1998, i.e., the date on which the respondent Nos. 8 to 12 were appointed. Consequential reliefs are also claimed.

3. On behalf of the respondent Nos. 1 to 7, a detailed counter affidavit is filed. According to them, the appointments were made in compliance with the directions issued by the Hon'ble High Court, depending upon the availability of vacancies and seniority of the persons, and the question of applicants being treated as having been appointed from any time, earlier to the date on which they were appointed, does not arise.



4. In view of re-organization of the State of Jammu & Kashmir, the S.W.P. has been transferred to this Tribunal and renumbered as T.A. No.3588/2020.

5. Today, we heard Mr. Nishant Shukla, learned counsel appearing for Mr. Rahul Pant, learned counsel for applicants and Mr. Sudesh Magotra, learned counsel for respondents, through video conferencing.

6. It was a long drawn process as regards the appointment to the post of Class-IV employees, which commenced in the year 1994. 248 persons were appointed by the concerned authority. When that was challenged before the Hon'ble High Court, the appointments were not disturbed but directions were issued to consider the cases of the persons, who filed S.W.P. No.314/1994. In compliance of the same, the respondent Nos. 8 to 12 were appointed in 1998 or 1999 and the applicants came to be appointed in 2000.

7. The applicants seek parity with respondent Nos. 8 to 12. Here again, we do not find any definite date. Even otherwise, the question of person being deemed to have been appointed



with effect from any date earlier to the one, on which he was actually appointed, does not arise.

8. Reference in this context is made to the judgments of Hon'ble Supreme Court in **Suraj Prakash Gupta & others v. State of Jammu & Kashmir** (Appeal (Civil) No.3034/2000 decided on 28.04.2000 and **K. Meghachandra Singh & others v. Ningam Siro & others** (Civil Appeal Nos.8833-8835 of 2019 with batch) decided on 19.11.2019.

9. We do not find any merit in this T.A. It is accordingly dismissed. There shall be no order as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 10, 2020

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