

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing



**O.A./61/00598/2020**

This the **23<sup>rd</sup>** day of **March**, 2021

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)**  
**HON'BLE MR. ANAND MATHUR, MEMBER (A)**

1. Sanjay Kumar Age 49 yrs S/o Sh. Om Parkash R/o Jaganoo Distt. Udhampur.
2. Sohan Singh Age 37 yrs S/o Sh. Kalyan Singh R/o Bhagpur Post Office Jaganoo Distt. Udhampur.
3. Sanjay Kumar Age 43 yrs S/o Sh. Kishan Lal R/o Battal Ballian, Distt. Udhampur.
4. Vivek Kumar Sharma Age 46 S/o Sh. Joyti Parkash Sharma, R/o Jawahar Nagar, Triloki Nath Temple, Distt. Udhampur.
5. Sudesh Kumar Age 42 yrs. S/o Sh. Dev Raj R/o Battal Ballian, Distt. Udhampur.
6. Sudesh Kumar Age 40 yrs. S/o Late Sh. Krishan Lal R/o Rathian Khrooni, Rathian, Distt. Udhampur.
7. Romesh Kumar Age 48 yrs. S/o Late Sh. Prem Nath R/o Ward No. 2, Jakhani, Distt. Udhampur.
8. Shallo Ram Age 51 S/o Late Sh. Kirpa Ram R/o Preyan, Post Office Sattni, Distt. Udhampur.
9. Sham Lal Age 37 yrs S/o Sh. Bishan Dass R/o Kotli Balla Distt. Udhampur.
10. Ajay Kumar Sharma Age 42 S/o Ram Lal Sharma, R/o 119 ward No. 1 Subash Nagar Distt. Udhampur.

.....Applicants

(Advocate: Mr. A.K. Sawhney)

**Versus**

1. State of Jammu & Kashmir through Chief Secretary U.T. J&K Govt., Civil Secretariat, Jammu.
2. Chairman Deputy Commissioner District Level, Class-IV Appointments Committee, Distt. Udhampur.

.....Respondents

(Advocate:- Mr. Amit Gupta, A.A.G.)

### **O R D E R [O R A L]**

#### **Hon'ble Mr. Rakesh Sagar Jain, Member (J):**

M.A. No. 797/2020 seeking joining together in a single O.A. is allowed.

2. The respondents issued Advertisement Notice No. 1 of 2006 dated 20.03.2006 proposing to fill 165 class IV posts in different Departments. Selections took place for that, but extensive litigation ensued and numbers of Writ Petitions were filed, followed by contempt case. It is also stated that the matters have reached to finality. In compliance with the directions issued by the Hon'ble High Court of Jammu & Kashmir in **Sandeep Sharma & others v. State of Jammu & Kashmir & others**, the respondents passed a detailed order dated 28.07.2020 forwarding the select list of class IV posts referable to Advertisement, on the basis of selection made by the District Level Class IV Recruitment Committee. The same is challenged by the applicants in this O.A.

3. Today, we have heard Mr. A.K. Sawhney, learned counsel for the applicants and Mr. Amit Gupta, Additional Advocate General, through video conferencing.

4. It is observed that the matter pertaining to the appointment of class IV employees is pending for almost one and half decades. Quite large number of litigation ensued and ultimately, stated to be in compliance of the directions of Hon'ble High Court of Jammu & Kashmir, the respondents passed the impugned order 28.07.2020. The applicants placed reliance upon certain orders passed in a batch of Writ Petitions and contempt case in the year 2012. While the order in S.W.P. No. 740/2012 is dated 04.04.2012, the one in the corresponding Contempt (SWP) No. 315/2012. There again, the only direction issued was that the orders be passed within four weeks and submit compliance report before the Registry. The respondents have referred to the counter and order passed by the Hon'ble High Court and passed the impugned order dated 28.07.2020. We do not find anything wrong. The applicants are also not able to point out the serious defects in the selection process. The selection, which commenced in the year 2006, cannot be prolonged by further litigation. This much, however, can be stated that in case any vacancies remain un-filled and are not under subject matter of any

litigation, the cases of the applicants herein can also be considered in accordance with their merits.

5. The O.A. is accordingly dismissed. There shall be no order as to costs.

**(ANAND MATHUR)**  
**MEMBER (A)**

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

*/M.M/*