

Item No.20

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.6467/2020
(S.W.P. No.404/2005)

Wednesday, this the 13th day of January, 2021

(Through Video Conferencing)

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

Kuldeep Raj (Age 35 YRS.), S/o Shri Ram Krishan, R/o Haripur, Tehsil Hiranagar, District Kathua.

..Applicant

(Nemo for applicant)

Versus

1. State of J&K through Commissioner/Secretary to Government, Health & Medical Education Department, J&K Government, Civil Sectt., Jammu.
2. J&K; Services Selection Board, through its Secretary, Jammu.
3. Mushtaq Ahmed, S/o Sh. Masood Ahmed, R/o Basholi Ward No. 2, Kathua.
4. Ashwani Kumar, S/o Shri Bishan Dass, R/o Sallan, Hiranagar, Kathua.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The Jammu & Kashmir Services Selection Board, Jammu, the 2nd respondent herein, issued Advertisement dated 11.01.2001 for selection and appointment of various posts, including the post of Driver in District Kathua. The applicant,

Item No.20



respondent Nos. 3 & 4 and many others applied. The applicant contends that though he was at serial No.1 in the waiting list, respondent Nos. 3 & 4 were appointed. Complaining that he was ignored, the applicant filed SWP No.404/2005 before the Hon'ble High Court of Jammu & Kashmir.

2. The respondents filed a detailed counter affidavit. According to them, the last candidate in the select list was the one, who secured 55.66 points, whereas the applicant secured only 55.32 points. It is stated that the respondent Nos. 3 & 4 obtained 58.99 and 57.99 points respectively. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and renumbered as T.A. No.6467/2020.

3. There is no representation from applicant. Today, we heard Mr. Sudesh Magotra, learned Deputy Advocate General, through video conferencing and perused the record.

4. The applicant is under the impression that he got No.1 in the waiting list and the respondent Nos. 3 & 4 were below him. That, however, is not correct statement. It may be true that the applicant is at No.1 in the waiting list, but respondent Nos. 3 & 4 got fairly high in the original merit list. Once the candidates, who figured in the select list, were appointed, the turn of the applicant could have come, if only any of the selected

Item No.20

candidates did not join. That did not happen and hence the applicant was not appointed.



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

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 11, 2021

/sunil/dsn/sd/shakhi