

Item no.4



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.7649/2020
(SWP No.1549/2007)

Tuesday, this the 13th day of July, 2021

(Through Video Conferencing)

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

Raiz Ahmed aged 20 years s/o Mohd. Sadiq,
r/o Village Marhote, Tehsil Surankote,
District Poonch

..Applicant

(Nemo for applicant)

Versus

1. State of J & K through Financial Commissioner, Home, Civil Secretariat, Srinagar/Jammu
2. Director General of Police of J & K Police Head Quarter Srinagar/Jammu
3. DIG, Rajouri-Poonch Range, Headquarters Rajouri Chairman Recruitment Board
4. Senior Superintendent of Police, Poonch
5. Noor Hussain s/o Nazir Hussain r/o Vill. Marhote, Tehsil Surankote, District Poonch
6. Imtiaz Ahmed s/o Mohd. Aslam r/o Vill. Lassana, Tehsil Surankote, District Poonch

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The Jammu & Kashmir Police initiated steps for selection and appointment to the post of Constable, in the Indian Reserve Police (IRP). The applicant was one of the candidates along with respondent Nos. 5 & 6 and many others. In the ultimate selection, the applicant was not successful. He filed SWP No.1549/2007 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to set aside the appointment of respondent Nos. 5 & 6 and to direct the respondents to consider his case. The ground urged by him is that though himself and respondent Nos. 5 & 6 secured 24 marks, the latter were selected, only on the basis of their age.

2. The respondents filed a detailed counter affidavit opposing the SWP. It is stated that though respondent No.5 was selected and appointed, he was disengaged later, and the respondent No.6 was appointed in the open category, on account of his superior merit with 27 marks.

3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.7469/2020.

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4. Today, there is no representation for the applicant. We perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General.

5. It is almost one and a half decades ago, that the selection took place. The applicant claims that he missed the selection on account of tie-breaker. It may be true that the applicant missed the selection *vis-a-vis* respondent No.5, on account of tie-breaker. Once the respondents have adopted the principles to resolve the tie-breaker by taking into account the age, no exception can be taken. As a matter of fact, such practice is followed in many Departments, across the country. Though the 5th respondent was disengaged later, nothing can be done at this stage. So far as the respondent No.6 is concerned, he secured 27 marks and the applicant cannot compare himself with him.

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

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 13, 2021
/sunil/jyoti/