



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 8190/2020
(SWP No.893/2008)

Wednesday, this the 17th day of March, 2021

(Through Video Conferencing)

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

Zamurrat Hussain age 35 years
S/o Nazir Hussain Khan
R/o Kangra Gulhota, Tehsil
Mendhar Distt. Poonch. ...Applicant

(*Nemo* for applicant)

VERSUS

1. State of Jammu and Kashmir through Commissioner/Secretary to Govt. Jammu and Kashmir Forest Deptt. Civil Sectt.
2. Principal Chief Conservator of Forest Jammu and Kashmir at Jammu.
3. Chief Conservator of Forest
4. Divisional Forest Officer, Poonch
5. Mahroof Khan S/o Munir Hussain
R/o Thera Topa, Tehsil Mendhar Distt. Poonch
6. Karar Hussain Shah s/o Manzoor Hussain Shah
R/o Gursai Tehsil Mendhar Distt. Poonch



7. Kuldeep Chander Sharma S/o Babu Ram Ram Sharma
R/o H. No.56/8/14/Moh. Khakha Navai, Poonch
8. Mohd. Idris Khan S/o Mohd. Sadeeq Khan
R/o Keri Gulhutta Tehsil Mendhar Distt. Poonch
9. Javid Amed S/o Rana Ali Mohd.
R/o Samote Surankote, Poonch
10. Mohd. Aslam s/o Munshi Khan R/o Ari Tehsil Mendhar
Distt. Poonch.
11. Javid Raza Mir S/o Zaffar Ali Mir R/o Haveli, Poonch.
12. Khalil Ahmed S/o Sher Mohd. R/o Gohlad, Tehsil Mendhar
Distt. Poonch.

...Respondents

(By Mr. Sudesh Mogotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The Govt. of Jammu & Kashmir issued a notification dated 14.09.2004 for the purpose of appointment of Forest Guards. The applicant and others applied. On completion of selection, the respondent Nos. 5 to 11 herein were appointed. The applicant filed SWP No.893/2008 before the Hon'ble High Court of Jammu & Kashmir, challenging the action of the official respondent Nos. 1 to 4 in appointing the private



respondent Nos.5 to 11 and not appointing him. He contends that he holds superior qualifications and despite that, he was not selected and appointed.

2. The respondents did not file any counter affidavit.
3. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir and re-numbered as T.A. No.8190/2020.
4. Today, there is no representation for the applicant and we heard Mr. Sudesh Magotra, learned Deputy Advocate General; and perused the records.
5. Even from the T.A., it is evident that the applicant was included in the shortlist of candidates at Sl. N.139 and was also subjected to Physical Endurance Test. It is axiomatic that everybody, who is shortlisted, cannot be appointed. The respondent Nos. 5 to 11 were selected and appointed. The applicant is not able to point out any defect in the selection. Though it is urged that some of the private respondents did not join the duty, that should not make much of difference, unless the Government was maintaining any waiting list. The applicant



did not mention that his name was included in the shortlist at all. At any rate, thirteen years have elapsed since the selection process took place.

6. We, therefore, dismiss the T.A. The interim stay granted by the Hon'ble High Court on 25.06.2008, directing that the vacancy shall be kept reserved, is vacated and it is left open to the respondents to fill the vacancies. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 17, 2021
/sunil/jyoti/vb/ankit