



**(Reserved)**

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. 61/1267/2020

**Pronounced on: This the 02<sup>nd</sup> day of June 2021**

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

1. Nisha Devi, Age 40 years, W/o Ajay Kumar, R/o Village Seen Thakran Tehsil and District Udhampur.
2. Santosh Kumar, Age 42 years, W/o Dev Raj, R/o Village Latti, Tehsil & District Udhampur.
3. Jeet Kumar, Age 41 years, S/o Prem Chand, R/o Village Dalpad, Tehsil & District Udhampur.
4. Ajay Kumar, Age 38 years, S/o late Prabhu Ditta R/o Village Ward No. 15 House No. 111, Shakti Nagar Tehsil and District Udhampur.
5. Rajesh Kumar, Age 39 years, S/o Sh. Madan Lal, R/o Village Shahpur P.O. Thial, Tehsil Majalta, District Udhampur
6. Jeevan Kumar, Age 40 years, S/o Sh. Chuni Lal, R/o Village Rathian, Tehsil & District Udhampur.
7. Pardeep Kumar, Age 43 years, S/o Sh. Kewal Krishan, R/o Village Kud, Tehsil Chenani & District Udhampur.
8. Pawan Kumar, Age 48 years, S/o Sh. Dina Nath, R/o Village Jandradi, Tehsil Ramnagar, District Udhampur.
9. Sungi Singh, Age 40 years, S/o Suram Chand, R/o Village Ladda Tehsil Udhampur, At present Tehsil Moungrai District Udhampur.
10. Jeet Singh, Age 40 years, S/o Sh. Rattan Singh, R/o Village Mani, At Presnet Dhandal, Tehsil Ramnagar, District Udhampur.
11. Anu Radha, Age 35 years, D/o Sh. Som Raj, R/o New Hospital Road Near Janta Prass Tehsil and District Udhampur.



12. Mahesh Gupta, Age 40 years, S/o Sh. Tirath Ram, R/o House No. 49, Ward No. 14 Salan Talab Udhampur.
13. Ravi Kumar, Age 45 years, S/o Sh. Thakur Dass, R/o Village Kud, Tehsil & District Udhampur.
14. Sushil Kumar, Age 37 years, S/o Sh. Kaka Ram, R/o Village Kud Tehsil Chenani District Udhampur.
15. Anil Khajuria, Age 35 years, S/o Sh. Ram Pal, R/o Village Kud, Tehsil Chenani District Udhampur.
16. Gurmeet Kour, Age 36 years, D/o Sh. Shyam Singh, R/o Village Rehambal, Tehsil & District Udhampur.

.....Applicants

(Advocate: Mr. Sudesh Sharma)

### **Versus**

1. Union Territory of Jammu & Kashmir through Chief Secretary, UT J&K, Govt. Civil Sectt, Srinagar/Jammu-180001.
2. Chairman, Deputy Commissioner, District Level, Class IV Appointment Committee Udhampur-182101.

.....Respondents

(Advocate: Mr. Rajesh Thappa, learned D.A.G)

### **(ORDER)**

**Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member (J): -**

The brief facts of the case are that an advertisement bearing no. 01 of 2006 dated 20.03.2006 was issued by the respondents for selection/appointment on 165 Class-IV posts. The applicants applied for the post in question. When the selection process in respect of the said notification was not finalized, various candidates who had also applied for the said post approached the Hon'ble High Court of J&K, Jammu and filed



SWP No. 740/2012 which was disposed of by the Hon'ble High Court vide judgement dated 04.04.2012. When the order was not complied with, the petitioners therein filed contempt petition and the Hon'ble High Court vide order dated 30.10.2012 directed the respondents to implement the judgement dated 04.04.2012.

2. It is stated that the respondents have not implemented the various orders passed by the Hon'ble High Court in the aforementioned Writ Petition as well as contempt petition and have not issued the select list in respect of the advertisement notice dated 20.03.2006 for more than 14 years and suddenly issued the impugned select list which is in violation of the various orders passed by the Hon'ble High Court and also in violations of the terms and conditions of the notification dated 20.03.2006. The authorities issued a new select list on 28.07.2020 which is against law and in violation of the various judgements passed by the Hon'ble High Court. The applicants are aggrieved of the same, hence, the instant O.A.

3. Learned counsel for the applicants submits that this O.A. can be disposed of in terms of order dated 08.12.2020 passed by this Tribunal in OA No. 482/2020.

4. We have heard Mr. Sudesh Sharma, learned counsel for the applicants and Mr. Rajesh Thappa, learned D.A.G. and perused the records.



5. The relevant portion of the order dated 08.12.2020 passed by this Tribunal in O.A. no. 482/2020 is quoted below:-

*“5. 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 dated 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 in S.W.P. No.740/2012 is dated 30.10.2012. 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 and educational qualifications.*

6. *The O.A. is accordingly dismissed. There shall be no order as to costs.”*

6. Looking to the facts and circumstances of the case and the order dated 08.12.2020 passed by this Tribunal in O.A. No. 482/2020 relied upon by the applicant, we dismiss the O.A. with direction to the respondents that, in case any vacancies remain un-filled and are not under subject matter of any litigation, the cases of the applicants herein may also be considered in accordance with their merits and educational qualifications.

7. No order as to cost.

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

*Arun/*

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

